PART 5 – Submitters by number – Submitters 151-200

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NOTE: Where two people are listed under submitter/contact for service please contact both. Where one person is recorded as CONTACT: [name]*, please contact that person only.*

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196	Julian Odering	Oderings Nurseries	PO Box 33-124,Christchurch,New Zealand,8244	021582882	julian@oderings.co.nz	373
197	Lilly Lawson	Beef + Lamb New Zealand Ltd	PO Box 121,Wellington,New Zealand,6140		Lilly.Lawson@beeflambnz.com	378
198	Cordelia Woodhouse	Environmental Defence Society Inc	PO Box 91736,Victoria Street West,Auckland,New Zealand,1142	09 302 2972	cordelia@eds.org.nz	403
199	Peter Robertson	Brookfields Vineyards/Ohiti Estate	PO Box 7174,Taradale,Napeir,New Zealand,4183	06 8344 615	brookfields.vineyards@xtra.co.nz	407
200	Ray Knowles	Aspyron Trust	New Zealand,		ray.knowles@gmail.com	418

1000 Williams Street
Mahora
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū.

My name is Riki Huata. Eddie Huata is my father. His mother is Hinemihi Huata. Her mother was Parewanui Marsh. Her mother was Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua.

I am against your Proposed Plan Change 9 TANK.

As a young fulla I would go out eeling with my dad down the Paritua and Karewarewa awa. Those times the water was flowing. Haven't been out for years. I've noticed how there is no water in the Karewarewa now. Not natural at this time of the year. What's going on.

So, no I'm against your plan.

Nga mihi,

Riki Huata

10 August 2020

Tena koutou katoa

As residents of Bridge Pa, hapū members of Ngati Rahunga I te Rangi, Ngati Pōporo, Ngāti Kahungunu iwi, we oppose the HBRC's proposed plan change 9 – Tutaekuri, Ahuriri, Ngāruroro and Karamu catchment.

Rosemary Smith
Ihaka Waerea

48 Raukawa Rd
Bridge Pa
HASTINGS 4174

31 Raukawa Road
R.D.4
Bridge Pa
HASTINGS
Email: rahina.huata@gmail.com
11th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK

Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū.

My name is Huia Te Rina Ripeka Huata Huata. My father is Rana Hemi Kingi Watene Heremia Huata. His mother is Hinemihi Huata. Her mother is Parewanui Marsh, and her mother was Akarana Keriana Tipuna Edwards who had manawhenua over the land at Mangaroa.
I am opposed to the Proposed Plan Change 9 TANK.

I was fortunate to be raised by my nanny and koro, Hinemihi and Rana, and my uncle Cordry Tawa Huata in Bridge Pa. I had a loving caring upbringing. I remember the many stories my nan use to tell me about what it was like growing up in Bridge Pa. Back in those days (that is my nan's times), the whānau relied heavily on the Paritua and Kārewarewa streams for kai, water, bathing and entertainment. My nan and koro have passed now. One thing that stuck in my memory was my nan telling me that the water is taonga that should be respected and treated with love.

It saddens me when I see no water in our awa. Only recently has the farmer across the road fenced off the Paritua stream to stop his cows from messing in the water. It saddens me when our kids haven't been able to swim in the Paritua Kārewarewa because there has been no water in the awa. It saddens me to see that the eels are dead or they have to be re-located to the Ngaruroro river because the water in the Paritua is stagnant or that there is no water. It saddens me that our hapū aspirations has not been considered or how we can look after the water. It really saddened me when in 2007/ 2008, our community ran out of water.

Therefore, I cannot support your Plan Change 9 TANK.

Nga mihi,

Huia Te Rina Ripeka Huata Huata

19 Raukawa Road
R.D.4
Bridge Paā
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Jeston Craig. I am the youngest son of Lesley Reid. My grandmother is Mary Reid. My great great grandmother is Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua. I am from the Ngāti Rahunga I te Rangi hapū.

I am lodging this submission against your proposed Plan Change. I do not believe it recognises the rights of tangatawhenua as was guaranteed under the Treaty of Waitangi. Water is a precious taonga that should be treated with respect and aroha. When I see cows defecating in the water, people hogging it for their own wealth, tuna dying because the natural water environments have been altered then that's not good aye. These filthy, harmful practices need to stop.

Tangatawhenua know how to care for the water. It is part of our psyche, part of our tikanga. You Pakeha are responsible for the devastation of the waterways, just saying it, how it is.

Nga mihi,

Jeston Craig

19 Raukawa Road, R.D.4
Bridge Pa
HASTINGS
Email: Reidlesleym@gmail.com

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

My name is Lesley Marva Reid. I am 61 years young. My mother is Mary Reid and my father was the late Tory Reid (ex All Black 1935 – 1937). My mother is 91 turning 92 years soon. She still lives in her home where my sister and I take care of her. Although her body is fragile and slow, her mind is very alert. My mother's father was Peter Edwards. His mother was Akarana Keriana Tipuna Edwards. She held manawhenua over the Mangaroa Whenua. I have lived in Bridge Pa all my life.

After speaking with my mother, she supports me lodging this submission. We are against the Council's Proposed Plan Change 9 for the Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment. We do not believe it is in the best interests of our people, Ngāti Rahunga I te Rangi. My mother has seen the changes in the quality of the water and the flow of the water over her lifetime. She remembers when the whānau use to go to the stream to catch tuna, harvest watercress, catch the fresh water mussels, drink the water, and just enjoy swimming and bathing in the waters. This doesn't happen anymore and hasn't for a long time. It is sad to see.

We think a more inclusive Plan that will take into consideration the aspirations of manawhenua is more appropriate and not just to give "lip service" on matters of tikanga and reo in Council documents. It is also about the equal sharing of power and wealth between Treaty partners.

Nga mihi,

Lesley Reid

1650 Maraekakaho Road
R.D.5
Bridge Paā
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Olly Craig. I am the eldest son of Lesley Reid. My great great grandmother was Akarana Keriana Tipuna Edwards. She held manawhenua over the Mangaroa lands. My hapū are Ngāti Rahunga I te Rangi, Ngāti Poporo, Ngāti Paahu and Ngāti Pouwharekura.

I am writing this submission in opposition to your Proposed Plan Change 9. I do not believe it is in the best interest of or hapū nor the other hapū of the Heretaunga Plains. As tangatawhenua we have been denied our rights to this taonga – the water, as was guaranteed to us under the Treaty of Waitangi. We certainly have not benefited over the last century from the decisions you have made regarding the resources. It would be great if there was an equal sharing of power and proper recognition of manawhenua.

Nga mihi,

Olly Craig

Jeston Craig

19 Raukawa Road
R.D.4
Bridge Paā
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Furness Keriana Armstrong. I am the daughter of Lesley Reid. My grandmother is Mary Reid. My great great grandmother is Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua. I am from the Ngāti Rahunga I te Rangi hapū.

I am against the Council's Proposed Plan Change 9.

Growing up in Bridge Pa as a child, the Paritua Karewarewa stream was a part of the natural landscape always reminding me that I am a part of it and likewise it is a part of me. I have seen our beautiful Pa flooded during the winter months almost reaching the footsteps of our wharenui and in the summer, no water. At first I wondered about this. Was that natural? My subconscious mind told me it was. But as, I've grown up and listened to documentaries about Climate Change, and how wealth is captured by less than 5% of the population, it has given me greater understanding about the unequitable share of power and wealth within societies. In Hawkes Bay it is no different.

I believe without proper input from tangatawhenua, this Proposed Plan only benefits the other Treaty partner and not us, the tangatawhenua.

Nga mihi,

Furness Keriana Armstrong

35 Raukawa Road
R.D.4
Bridge Pa
HASTINGS
Email: camillashultz@gmail.com

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

My name is Camilla Shultz. My mother is Lesley Reid. My grandmother is Mary Reid. My great great grandmother is Akarana Keriana Tipuna Edwards who had manawhenua over the Mangaroa Whenua. I am from the Ngāti Rahunga I te Rangi hapū. One of my grand aunties who helped raise me, carried that name. I have lived in Bridge Pa most of my life and enjoy being connected to this Whenua. It is where I have the strongest sense of belonging. A major feature of the landscape has always been our awa – the Paritua and Karewarewa stream. During my lifetime I have seen floods, droughts and stagnant polluted water. I have seen our tamariki enjoy swimming in the awa. I have seen the awa bring our whanau together too, and I have heard uttered on the marae references to the Karewarewa stream. The awa has been part of us and we have been part of it.

I oppose the Council's Proposed Plan Change because I do not believe it will service our needs and aspirations. For some time now, our community has raised with the Council our aspirations but only to be given a "pretty plan" but with no action. I still have a copy of that plan – looks good on paper but what about the real outcome? Koretake.

Nga mihi,

Camilla Shultz

6 Maraekakaho Road
R.D.5
Bridge Paā
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Reid Craig. I am the son of Lesley Reid. My great great grandmother was Akarana Keriana Tipuna Edwards. She held manawhenua over the Mangaroa lands. My hapū are Ngāti Rahunga I te Rangi, Ngāti Poporo, Ngati Paahu and Ngāti Pouwharekura.

I do not support the HBRC Water plan because it has taken way our rights as mana Whenua to practice mahinga kai within our awa the Karewarewa and Paritua.

Nga mihi,

Reid Craig

53 Raukawa Road
Bridge Pa
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Ko Mangaroa te marae
Ko Ngāti Rahunga I te Rangi te hapū
Ko Ngāti Kahungunu te iwi
Ko Kārewarewa me Paritua te waiu
Ko Takaparata te taniwha
Tihei mauri Ora.

My name is Ngawai Waerea. My father is Rihimona Waerea. My grandparents are Jack and Lena Waerea. My great grandparents are Puti and Hemi Waerea. My great great grandmother was Akarana Keriana Tipuna Edwards. She was from the Mangaroa Whenua and it is through her that we have manawhenua. I have lived all my life in Bridge Pa. Bridge Pa is my haukainga.

I do not support the HBRC Water plan because it has taken way our rights as mana Whenua to practice mahinga kai within our awa the Paritua and Karewarewa.

Nga mihi,

NWaerea

Ngāwai Waerea

53 Raukawa Road
Bridge Pa
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

My name is Harata Rapaea. My partner and tamariki/ mokopuna are from Bridge Pa and have manawhenua. Since I have lived in Bridge Pa, I have noticed the change in the the quality of the water. In the summer times my tamariki use to swim and catch tuna from the Paritua and Karewarewa awa. My mokopuna are not able to do these anymore because the water is either too polluted or just not flowing. It has been like this for quite some time.

Therefore, I oppose your Plan. I would also like to see that Manawhenua, that is, all the hapū of the Heretaunga Plains have greater say and control over the management and monitoring of the water.

Nga mihi,

H Rapaea.

Harata Rapaea

913 Maraekakaho Road
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

I am against the HBRC's Water Plan because you have proven that you cannot manage the water resource in the best interests of everyone. Back in 2007 / 2008, our community ran out of water knowing very well that not even a kilometre up the road, the farmer was hogging all the water for himself, creating man-made lakes, and he's still doing that. Looks like you are only catering for the wealthy. I'm calling you out on your racist and prejudice practices.

Nga mihi,

Letitia ~~Leticia~~ Waerea L Waerea

Raukawa Road
Bridge Pa
HASTINGS

9th August 2020

To the HBRC

Submission to the HBRC Proposed Plan Change 9

My name is Sonna Waerea. I am a 60+ kuia of Mangaroa Marae. I have lived here all my life.

My tipuna Akarana Keriana Tipuna Edwards bathed, practiced mahinga kai and carried out baptismal rites along different parts of the Paritua and Karewarewa stream. These tikanga had been passed down from generation to generation within the hapū of Ngāti Rahunga I te Rangi. Today the water has become that stagnant and polluted, we are not able to practice these tikanga anymore. The farmer whose land the stream flows through has only recently fenced the stream prohibiting his stock from walking through it, however now the farmer further up the road has stopped the water flowing altogether. This interference has impacted negatively on our hapū Ngāti Rahunga I te rangi and therefore it is for this reason, I oppose the HBRC Proposed Plan Change 9 – Tutaekuri, Ahuhiri, Ngaruroro & Karamu Catchment.

Nga mihi,

Sonna Waerea S Waerea

54 Raukawa Road
Bridge Pa
Hastings

9th August 2020

To the HBRC

Submission to the HBRC Proposed Plan Change 9

My name is Hemi Hokianga. I am the son of the late Dick and Harata Hokianga. My mother is the daughter of Hemi and Puti Waerea. My great grandmother is Akarana Keriana Tipuna Edwards.

I am against the HBRC's Proposed Plan Change 9 – TANK because they have mismanaged the water that flows through the Karewarewa stream.

Nga mihi,

Hemi Hokianga

H. Hokianga

(Submit by email at eTANK@hbrc.govt.nz or post to HBRC, by 5pm Friday August 14th)

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* ... **Aotearoa New Zealand Fine Wine Estates LP**

Organisation: ..... As above

Postal address: *(required)* ....P.O. Box 2817 Havelock North 4157 New Zealand

Email address: .....
caleb@aonzfinewine.com

Phone number: 021 767 191
Contact person and address if different to above: ...

Caleb Dennis caleb@aonzfinewine.com and

.....Dean van Mierlo dean@environmentalbarrister.co.nz

Submission Summary:

1. Subject to the specific decisions requested as set out in this submission, I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT the decisions sought and the amendments proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020 (a draft of which I have reviewed).
4. I SEEK the amendments and decisions as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low

water users and very low emitters compared to other major primary production systems.

6. I am concerned that PC9 will have significant negative effects on Aotearoa New Zealand Fine Wine Estates LP and its business for the following reasons, and the further reasons as set out in this submission.
7. Aotearoa New Zealand Fine Wine Estates LP purchased an undeveloped property (Omahu Estate, 2264 SH50 Fernhill Hastings) in 2017. Existing consents (WP990033T, 715m3 per 7 days at 6.3L/sec) were purchased with the property and renewed in 2017.
8. Water use for 2017 on the undeveloped block did not reflect current water use for viticulture. In addition, there was no water meter installed on the property prior to our development of it, so earlier records do not exist.
9. We are particularly concerned by the approach in PC 9 that applies an assessment of actual and reasonable use based on land and water use authorised in the 10 years up to August 2017. Such an approach is extremely prejudicial to recent developments such as our own. Actual and reasonable use must reflect actual and reasonable use lawfully occurring on a property at the time of this Plan Change.
10. We produce a high value crop on very specific soils. Without sufficient irrigation we are unable to reach the quality that is possible, and hence the value of the crop and resulting wine is much lower.
11. Without the full consent that we hold as it is currently is, in a dry season we would be unable to support our vines. In the 2019 – 2020 year we fully utilised our water allocation provided for in our consent.
12. This property supports two full time workers, as well as being a key part in the overall AONZ company that employs 10 FTE in the Hawkes Bay. Without this property our economic production and employment would significantly reduce.

Submission Details:

A. General impact on the wine sector and Aotearoa New Zealand Fine Wine Estates LP, and decisions sought.

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "...reduces ***reduceable*** contaminant loss..."; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community socio-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but consider that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis.	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10 is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change...." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use" precludes use of new stored water and fails to recognise that the interim allocation limit of 90	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37"*** or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017…". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK was completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~*August 2017*~~ *30 June 2020 (the end of the 2020 water year)*…". or similar wording to achieve the outcome sought in this submission. Amend the Glossary definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

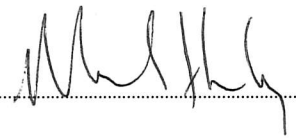
	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7.51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "...emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions ..." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and Māori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both Māori development and environmental enhancement but Schedule 32 only refers to Māori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for Māori development, reduce the proposed Māori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and as a consequence the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs.

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primary industries, SWNZ does not comfortably fit within the PC9 framework and	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	it is inefficient and counterproductive to apply an essentially pastoral-farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

Do you wish to be heard in support of your submission? Yes
If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature:  Date: 14/8/20.

53 Raukawa Road
Bridge Pa
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Ko Mangaroa te marae
Ko Ngāti Rahunga I te Rangi te hapū
Ko Ngāti Kahungunu te iwi
Ko Kārewarewa me Paritua te waiu
Ko Takaparata te taniwha
Tihei mauri Ora.

My name is Rihimoana (Richard) Waerea. I am the eldest son of Jack and Lena Waerea. I am 60 years young. I have lived all my life in Bridge Pa. Bridge Pa is my haukainga.

I would like to speak at the Hearing.

I have seen the changes in the water quality and flow of the Paritua and Karewarewa stream. I use to swim, play and catch tuna in the awa when I was young. You could even drink from the stream back then. Sadly today, that is not possible. I am lodging this submission to demonstrate that I am totally against the HBRC's Proposed Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchment because it has not recognised our rights as manawhenua under Te Tiriti O Waitangi.

Nga mihi,

Rihimoana Waerea R. Waerea

1 Raukawa Road
R.D.4
Bridge Pa
HASTINGS

9th August 2020

To the HBRC

Submission to the HBRC Proposed Plan Change 9

Tēnā koutou katoa,

My name is ~~Thompson~~ Waerea.
THOMAS

I am totally against the HBRC's Proposed Plan Change 9.

For decades you have proven to be koretake and racist about the way you have managed the waterways right across the Heretaunga Plains. You have prioritised the rights of the rich and wealthy taking the water from our awa rather than our rights as the Crown's Treaty partner. You are just a pack of "legitimate thieves". No I will not support your Water Plan.

Ngā mihi,

~~Thompson~~ Waerea
THOMAS T Waerea.

910 Bledisloe Street
Raureka
HASTINGS

9th August 2020

To the HBRC

Submission to the HBRC Proposed Plan Change 9

Ko Mangaroa te marae
Ko Ngāti Rahunga I te Rangi te hapū
Ko Ngāti Kahungunu te iwi
Ko Kārewarewa me Paritua te waiu
Ko Takaparata te taniwha
Tihei mauri Ora.

My name is Harata Waerea. I am the daughter of Jack and Lena Waerea. My grandmother was Puti Waerea. My great grandmother was Akarana Keriana Tipuna Edwards from Ngāti Rahunga I te Rangi hapū, Ngāti Poporo, Ngāti Pāhu and Ngāti Pouwharekura.

I oppose the HBRC's Water Plan because it undermines the rangatiratanga of my hapū. Over the decades you have continuously mismanaged the water, allowed the pollution of the waters to continue at the detriment of our hapu. We have seen the change in the quality and quantity of the water and flow. We have seen the loss of our kai, such as the tuna, wātekirihī and kēwai.

Enough's enough. Our hapū wants to be in control of our own water. You have proven that you don't know how to manage the water.

Nga mihi,

Harata Waerea
HWaerea

25 Bangor Avenue
Flaxmere
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū

My name is Russell Morrell. My mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I was raised in Bridge Pa. My marae is Mangaroa. My hapū is Ngāti Rahunga I te Rangi. The name of my awa are Paritua and Kārewarewa.

I am against your Proposed Plan Change 9 TANK because it doesn't recognise the rights of Manawhenua in any real meaningful way. Under Te Tiriti O Waitangi we have rights to ngā taonga tuku iho – water is one of these taonga that has been guaranteed. Our proprietary rights have been appropriated by the Crown and in turn by you, the HBRC. Your tupuna back in 1840 were thieves and you as the descendants are still thieves.

Nga mihi,

Russell Morrell

19 Bangor Avenue
Flaxmere
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tena koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Karewarewa me Paritua nga waiu
Ko Takaparata te taniwha
Ko Ngati Rahunga I te Rangi te hapu

My name is Raewyn Morrell Turner. My mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Karewarewa me Paritua nga waiu
Ko Takaparata te taniwha
Ko Ngati Rahunga I te Rangi te hapu
Tihei mauri ora

I spent all my childhood years living in Bridge Pa – Mangaroa. It is here that it gives me my sense of belonging. I am a 60 year young mother, grandmother and great grandmother. When my mother passed away nearly 30 years ago, we had her lay on our marae Mangaroa. The beauty about our marae is its situated right next to our beautiful awa / waiu Karewarewa. That day as she came onto the marae, we used the water from the Karewarewa to clear the way forward for my mother to be laid on the mahau of the whare.

The waters have a powerful way of connecting the dead to the living and vice versa. Over my lifetime, I have seen terrible things happen to the water, i.e cows shitting and wondering in the waterways, rubbish and poisons being dumped in the water, farmers capturing and storing water on their properties for their own use without any consideration of other people further down from them. The "powers that be" have created a greedy society where the rich and wealthy Pakeha have benefit from these resources at Manawhenua expense.

Thus, I oppose the Proposed Plan Change 9 TANK.

Nga mihi,

Raewyn Morrell Turner

12 Higbee Place
Bridge Pa
Hastings 4175

12th Hereturikoka 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tank

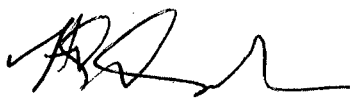
Tēnā koutou
Ko Kahuranaki te Maunga.
Ko Ngaruroromoko tuararo ki Rangatira te Awa.
Ko Karewarewa me Paritua ngā waiū
Ko Takaparatā te Taniwha.
Ko Takitimu te Waka.
Ko Tamatea Arikinui te Tangata.
Ko Mangaroa te Marae.
Ko Hikawera Tuarua te Wharenui.
Ko Hinetemoa te Wharekai.
Ko Ngāti Rahunga-i-te-Rangi, Ngati Poporo, Ngati Pahu, Ngati Pouwharekura nga Hapū.
Ko Ngāti Kahungunu te Iwi.
Ko Ihaka Kapo te Urupa.

My name is Henrietta Dzilic, I am from and currently reside in Bridge Pa. My mother was Martha Jane Morrell and her mother was Parewanui Edwards, the daughter of Akarana Tipuna (Edwards) who had customary authority by our hapū of this area.

As a child growing up here in Bridge Pa my siblings and I use to be able to swim in our stream and go eeling. For many of years now that has not been possible for our own children to do. When there is water flowing which is not very often its revolting. Farmers dead stock have been seen in our stream. The farmers livestock defecate in it. It is appalling and I would guarantee if this was happening in the place that you and your children are from and belong to, You, too would be outraged and disheartened.

You all (HB Regional Council) have known about the water our here for years and have still done nothing to rectify the situation. You continue to not consult with our Hapu (Ngati Rahunga-i-te-Rangi) before making decisions that are affecting us. In the presentation video Mary-Anne Baker speaks about how water is valued, and that Maori perspective is taken into consideration which truly is a load of rubbish. If that was the case, we would have clean flowing water in our stream all the time.
Therefore, I am opposing your so-called Proposed Plan Change 9 TANK.

Naku noa,



Henrietta Dzilic

44 Maraekakaho Road
R.D.5
Bridge Pa
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū

My name is Rawiri Morrell. My mother is Parewanui Morrell. Her mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I am against your Proposed Plan Change 9 TANK because it does not recognise our rights as Manawhenua over the Paritua and Kārewarewa streams. We are manawhenua and we should have the right to regulate control and monitor the waters above the ground and below the ground on which we are manawhenua. As a Council you have done a disgusting job of managing the water quality and flow. Therefore, I don't have faith in you making wise decisions for Ngāti Rahunga I te Rangi.

Nga mihi,

Rawiri Morrell

44 Maraekakaho Road
R.D.5
Bridge Pa
HASTINGS
9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 TANK
Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū

My name is Parewanui Morrell. My mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I am opposed to your Proposed Plan Change 9 TANK. I do not believe it is in the best interest of Ngati Rahunga I te rangi. I am appalled at the lack of consultation with Ngati Rahunga I te Rangi over your Proposed Plan despite numerous hui held at our marae over the years with members of the Council. I am also appalled at the dismissal of the Karewarewa Water Plan we had worked so tirelessly with you. At that time we were enthusiastic, that finally something would be done to ensure the quality and flow of water in the Paritua and Karewarewa streams were being addressed. Aue, 4 or 5 years later, all come to custard. No water down our end. The Pakeha farmer up the other end got all the water. You (the Council) are responsible for the over allocation of water take from our river the Ngaruroro. And now you wanting to make more decisions on the allocation of water from the Aquifer. When is this Pakeha greed going to stop.

Nga mihi,

Parewānui Morrell

37 Raukawa Road
R.D.4
Bridge Paā
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Rangi Morrell. My father's name is Stuart Morrell. His mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I have lived in Bridge Pa all my life.

I don't support the Proposed Plan Change 9 TANK because it does not recognise my hapu Ngati Rahunga I te Rangi as having proprietory rights and interests to our taonga the Karewarewa and Paritua streams.

You are assuming you own and control the waters. In other words you have stolen it and given it to your Pakeha farmer and drunken wino mates up the road, at our expense. So no, I don't support your TANK Plan.

Nga mihi,

Rangi Morrell

37 Raukawa Road
R.D.4
Bridge Paā
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Katarina Morrell. My father's name is Stuart Morrell. His mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I have lived in Bridge Pa all my life.

I am against your Proposed Plan Change 9 TANK. Out at Bridge Pa, we have experienced the worse of the sharing of water in the community. We have seen the Pakeha farmer up the road, controlling and withholding the water and releases it down our end when it suits him. And when he does, it's not clean. It's paru. You people in the Council aren't monitoring it. So why should we trust that you can manage the sharing and monitoring of water with Manawhenua. The only answer to this is, you can't. And that is why I am against your Plan.

Nga mihi,

Katarina Morrell

37 Raukawa Road
R.D.4
Bridge Paā
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,
My name is Dennis Morrell. My father's name is Stuart Morrell. His mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I have lived in Bridge Pa all my life.

Ko Mangaroa te marae
Ko Ngati Rahunga I te Rangi te hapu
Ko Karewarewa me Paritua nga waiu
Ko Takaparata te taniwha

I'm against your new Proposed Plan Change 9 because it usurps our rights as Manawhenua to the Waters. Our tipuna never ceded our rights to these taonga, therefore, I believe we still own it.

Nga mihi, Dennis Morrell

Dennis Morrell

37 Raukawa Road
R.D.4
Bridge Paā
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Raewyn Morrell. My father's name is Stuart Morrell. His mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I have lived in Bridge Pa all my life.

When I was a young girl, I use to swim in the Paritua and Karewarewa awa all the time. Me and my friends and cousins use to always hang out down the "bridge" spending hours there swimming and playing in the water. We don't do that anymore especially when there's been no water in the awa. And when the Pakeha does allow it to flow, it's been "paru". Terrible practice.

So, I don't support your Proposed Plan Change 9 TANK. It will not be in our best interest like most decisions you have made.

Nga mihi,

Raewyn Morrell 

37 Raukawa Road
R.D.4
Bridge Paā
HASTINGS

9th August 2020

To: Hawkes Bay Regional Council
Submission to the Proposed Plan Change 9 Tutaekuri, Ahuriri, Ngaruroro & Karamu Catchment

Tena koutou,

My name is Jack Morrell. My father's name is Stuart Morrell. His mother is Martha Morrell. Her mother was Parewanui Marsh and her mother was Akarana Keriana Tipuna Edwards. My tipuna Akarana Keriana Tipuna Edwards had manawhenua over the lands at Mangaroa.

I have lived in Bridge Pa all my life.

I am against your Proposed Plan Change 9 TANK. It is not in the best interest of my whanau and hapu Ngati Rahunga I te Rangi. We are manawhenua over the waters that are "suppose to" flow naturally upon the Whenua – Paritua and Karewarewa. And yet you don't care about our community. You have given all the water to the Pakeha farmer up the road. He has at least 4 lakes. How greedy is that, and what's that about?

Nga mihi, J. Morrell

Jack Morrell

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address, and contact details will be searchable by other persons.

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Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural landowners as very low water users and very low emitters compared to other major primary production systems.
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (e.g. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made if a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in sub catchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a sub catchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of land use change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use " precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for land use as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical land use activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke 's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)*** …". or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement, but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), i.e. 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands, and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/ Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also, the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs.

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over land use activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also, the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of land use. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primar industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
1. **5.10.6.37.d(ii**	I am concerned about the arbitrary total water take allocation. The total measured water take in the 2013 irrigation year is majorly underestimating the total water take due to the limited water metering undertaken in that year. Even the wate take in 2020 is only an estimation due to bores with a maximum take of less than 5 L/s not being required to have a water meter. The assumption is that the water take from these bores is relatively small, but I know of several bores irrigating the same area as my vineyard (18 ha), that irrigate from such bores. Although I support a scientific approach to water allocation through the IRRICALC model, my experience is that the calculations in this model underestimate the water use in dry years. Looking at my water use over the last years, I used about 65 % more water in 2020 that the average over the last few years. That average take is roughly the potential IRRICALC allocation. A lot of vineyards are of an age that replanting is necessary due to wood disease. There is no water allocation in the IRRICALC model for a certain % of replanting. This will severely impact the future of the grape growing industry. I also strongly oppose to the allocation of water according to current land use. At the current IRRICALC calculations, the grape growing industry only has two options for their land use: grapes or low producing pasture. If market conditions change and I want to change land use I can only change a portion (50% if I change to apples) of my property to a more profitable crop. The other half will be unirrigated pasture. This will greatly affect the capital value of my property.	A more scientific approach to determine the amount of water that can sustainably be extracted from the aquafer. A reconsideration of the IRRICALC calculations and an allocation for planting and/or replanting.
	General comment. When I bought my property, part of the decision was based on the water take allocation in the water take permits. Although I kn ew that the permit was going	

	to expire at a certain point in time, I never anticipated that the council would make such a mess of the total permitted water take allocation. To have to cut the total permitted take by 50% is an absolute stuff up and I think the council must take part of the blame for this and come up with a workable solution or a financial compensation package for all negatively affected land users.	

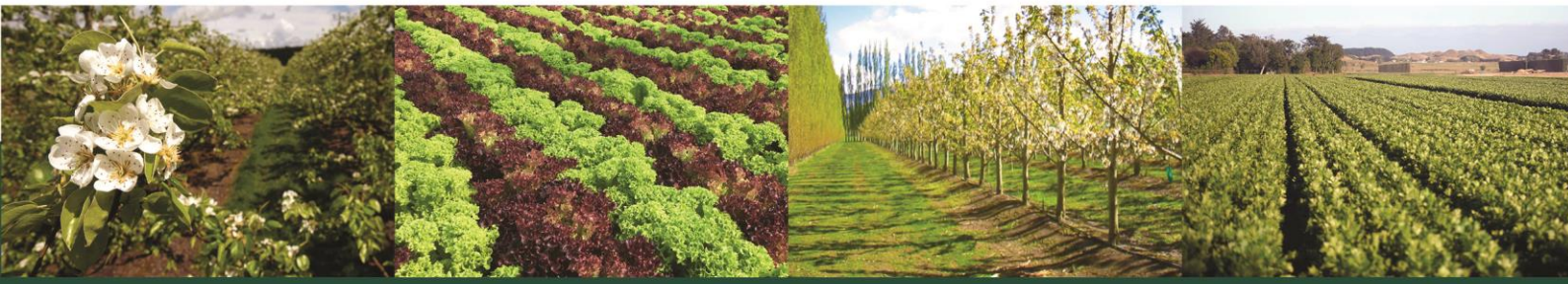
Do you wish to be heard in support of your submission? No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature: .Wim Barendsen..... Date:..... 20 August 2020.....

SUBMISSION ON Hawke's Bay Regional Council TANK Plan Change (PC9)

14 August 2020

TO: Hawke's Bay Regional Council
NAME OF SUBMITTER: Horticulture New Zealand



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1. HortNZ's Role

Introduction

Horticulture New Zealand (HortNZ) thanks Hawke's Bay Regional Council for the opportunity to submit on the TANK (Tutaekuri, Ahuriri, Ngaruroro and Karamu) Plan Change/Plan Change 9 and welcomes any opportunity to continue to work with Hawke's Bay Regional Council and to discuss our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out later sections of our submission.

Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry's value is almost $6.4 billion and is broken down as follows:

Industry value	**$6.39bn**
Fruit exports	$3.53bn
Vegetable exports	$0.7bn
Total exports	**$4.23bn**
Fruit domestic	$0.88bn
Vegetable domestic	$1.28bn
Total domestic	**$2.16bn**

Kiwifruit exports alone earn more than $2.3 billion.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal (a $10 billion industry by 2020).

HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ is involved in resource management planning processes around New Zealand. HortNZ also works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Where possible, non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

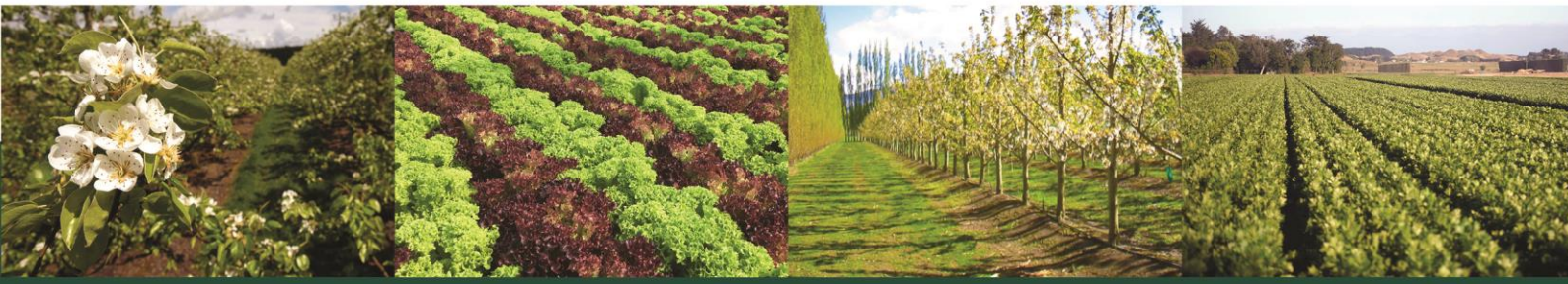
2. Horticulture across the TANK Catchments

1. Horticulture is hugely important to the Hawke's Bay region. Around 16,800 ha of commercial fruit and vegetable production is undertaken on the Heretaunga Plains. HortNZ represents around 250 horticultural growers that live within the TANK Catchments.

2. In Hawke's Bay, HortNZ is affiliated with two key local associations representing growers within the Hawke's Bay region, namely the Hawke's Bay Fruitgrowers Association, and the Hawke's Bay Vegetable Growers Association. Alongside these local associations, a number of product groups representing specific product categories are also affiliated to HortNZ. One of those product groups, New Zealand Apples & Pears, is based in Hastings because of the importance of Hawke's Bay to the country's pipfruit production. Most of the other 21 product groups are active within Hawke's Bay as well, and specifically across the TANK Catchments.

3. Seventy percent (70%) of all apples produced in New Zealand are grown in the Hawke's Bay, with the vast majority of those orchards located within the TANK Catchments. Summerfruit, green beans, sweetcorn, squash and onions are other significant crops for the region, with large areas of summerfruit, squash and onions in particular being grown within the TANK Catchments.

4. Specialised post-harvest pack houses add significant value after the farm gate and many growing organisations are now integrated into the post-harvest chain. There are two significant international fruit and vegetable processing facilities located in Hastings (Heinz Wattie's and McCain's), and those post-harvest processing facilities alone employ over 1800 people. Both companies have recently invested significant capital in upgrading their facilities here. The Hawke's Bay region produces over 30% of New Zealand's processed vegetables.



5. Hawke's Bay produces significant quantities of food for domestic supply, which is important for the health and well-being of all New Zealanders. Hawke's Bay's contribution to the domestic food supply is particularly important because of the warmer climate which means that it can provide fresh produce when other regions are not able to provide fruit and vegetables into the supply chain. For example, Hawke's Bay harvests summerfruit such as nectarines and peaches which supplies New Zealand consumers before later season fruit grown in the South Island becomes available. The regional food system supports a resilient and reliable domestic food system.

6. There is also extensive export production within the region, which provides employment opportunities for many people. The Heretaunga Plains are a nationally significant source of highly productive land and significant protection of this land has been regulated within district and regional planning tools due to pressures from urbanisation. Food and fibre production are recognised as a significant value within the Regional Policy Statement and as 'primary values and uses' for the Greater Heretaunga/Ahuriri.

7. The Hawke's Bay has over 1700 grow days above 10 degrees, and over 2300 hours of bright sunshine. This warm, sunny climate along with versatile soils are ideal for growing. However, the Heretaunga Plains commonly has about 95 days between November and April when there is insufficient soil moisture to maintain plant growth without irrigation[1]. Climate change is expected to bring warmer weather and changes in rainfall seasonality to Hawkes Bay. Growers are very aware of the changing climate and the potential for more frequent droughts, such as the drought experienced this year. Ensuring good quality water continues to be available for irrigation of horticultural crops is critical to the ongoing success of the sector within the TANK catchments.

8. Supporting horticultural production is also very important in terms of New Zealand's response to climate change. Less than 1% of the country's greenhouse gas emissions are produced by horticulture. Supporting land use diversification to allow increased horticulture is critical to New Zealand achieving a transition to a low emission economy in line with the Climate Change Response (Zero Carbon) Amendment Act 2019.13.

9. In 2019, Hawke's Bay was the location for the world's first commercial robotic apple picker, harvesting New Zealand-developed Jazz™ and Envy™ Apple cultivars[2]. The technology was developed in a partnership between T&G Global and US-based technology partner Abundant Robotics. Canopy innovation and trialling of different ways of achieving automation compatibility have progressed in orchard expansion initiatives since 2017. In preparation for robot harvesting, orchards had to be re-developed to a high density 2-dimensional growth structure. Exciting technological innovations such as this have changed the pattern of water demand, and it is critically important Plan Change 9 maintains sufficient flexibility in water use moving forward to allow other technological advancements to be facilitated.

[1] NIWA 2013. The climate and weather of Hawke's Bay.
[2] Sources: www.tandg.global and independent.

3. HortNZ's Submission on TANK Plan Change/Plan Change 9

General Comments

Achieving water security is considered by the horticultural sector, to be the single biggest issue threatening the sustainability of the horticultural sector in the TANK catchments, and more broadly in Hawke's Bay. It is critical that the harvesting of water at high flows, and storage for later utilisation, is provided for by the TANK plan change and HortNZ submits that the total allocation of high flow water identified in the plan must be able to be harvested, and further work also needs to be done to identify whether or not additional water can be taken for this purpose, as HortNZ understands that a significant amount of the allocation set out in the proposed plan has already been allocated or applied for, which means that the 'solution' for accessing new water that this plan change hinges on, potentially will provide additional water for a very limited number of people.

The other matters that are of particular concern to the horticultural sector (and are listed below in order of priority) are the proposed regulatory approaches to:

- The replacement of water permits based on actual and reasonable use
- Stream flow maintenance and augmentation schemes
- Reallocation of water during the life of the plan
- Transfers of water permits
- Provision of water for survival of permanent horticultural crops
- Enabling crop rotation
- Recognising the value of land use change in providing for food security and NZ's transition to a low emissions economy
- Assessment of water quality effects across all contaminants and related to achieving priority freshwater outcomes
- Industry programmes and collectives

Further detail about each of these matters is provided in the body of this submission, but HortNZ considers it important to highlight the importance of these matters to the horticultural sector.

Notwithstanding the above comments, HortNZ fundamentally supports the general approach of the TANK Plan Change, and believe that it strikes a reasonable balance between seeking to improve the quality and quantity of the TANK catchments freshwater resources through a range of different regulatory requirements, and ensuring that those who rely on water can continue to use it. The plan allows time for practice changes to be made, and the impact of those monitored and understood, before decisions about further restrictions are made. This approach is supported by HortNZ and considered to be consistent with the sustainable management purpose of the RMA. The plan change also provides an opportunity for more information to be gathered to inform future decisions about matters that simply are not understood at present, such as the nature of groundwater resources in the Ahuriri Catchment, or sustainable nutrient loads into the TANK estuaries.

HortNZ also strongly advocates for freshwater plan changes to enable groups of landowners (at whatever scale they chose to come together at) to manage environmental effects collectively – rather than focusing at the individual or enterprise scale. HortNZ recognises that PC9 goes some way to trying to do this, however, in referring to catchment collectives, whether intentionally or not, sets an expectation that collectives will be at that scale. That is not the case - every collective grouping will be slightly different and work in a slightly different way, and it is critically important that every group is enabled. What is more important than the scale at which a group comes together, is that each group has a strong relationship

amongst its members, and will operate over an extended period of time to maintain, or achieve improvements in freshwater management. HortNZ therefore submits that all references to 'catchment collectives' should be amended to refer more broadly to 'collectives' and any other necessary changes be made to ensure that collective groups are enabled and recognised at any and every scale they form at. For the sake of brevity, every instance where the term catchment collectives is currently used, and we submit should be replaced with 'collective', is not identified in the table that summarises the relief sought by HortNZ at the end of this submission, however that is the outcome we are seeking in relation to this matter.

HortNZ agrees that managing freshwater resources is complex and many issues are interconnected. HortNZ recognises that there are costs associated with it, some of which may be significant, that will need to be borne by the community if the quality of the aquatic ecosystems within the TANK Catchments is to be improved, however HortNZ strongly contends that these costs must be borne by all members of the community that use water – which is arguably almost every person that either lives or works within the TANK Catchments. The costs must not be disproportionately apportioned to irrigators who only use approximately 50% of the water abstracted from the system that influences flows in the Ngaruroro River. The rest of the water abstracted is used for municipal and industrial purposes, and it is appropriate that the cost of improving TANK's freshwater resources are spread across everyone that benefits from using them. Three reports[3] have considered the impact that greater restrictions on water use would have on the horticultural sector and demonstrated that those impacts would be hugely damaging for the TANK catchments, and arguably the region as a whole. Food production is critical to ensure the health and well being of the TANK community, in addition to the positive economic benefits, and arguably environmental benefits, that result from horticultural production within the TANK catchments. HortNZ submits that, as currently drafted, the TANK Plan Change does not adequately recognise the critical importance of horticulture to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available (particularly transfer of consented water and new water that can be taken at times of high flow), and some flexibility in terms of land use change is enabled to provide for that. The value of horticulture and its critical role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9. The 'significant regional and national value of freshwater use for production and processing of beverages, food and fibre' is recognised in Obj LW1 of the Regional Policy Statement. As currently drafted, HortNZ submits that the regional and national importance of those activities has not been sufficiently acknowledged, given the great difficulty any producer of beverages, food and fibre would have in accessing any additional water under the proposed plan, and potentially even maintaining the water that they need to support their existing operations. The plan change also effectively locks everyone into historic patterns of water and land use, which arguably is a pattern of water and land use that has resulted in some adverse effects on the environment. This plan change needs to provide opportunities for change that will enable improvements in freshwater management to be achieved. HortNZ submits that if the changes set out in this submission are incorporated into the plan change, then that could potentially be addressed.

[3] Archer, L. & Brookes, J. (2018) Modelling Water Restrictions and Nutrient Losses for Horticulture in the TANK Catchment – An Economic Analysis, AgFirst; Nimmo-Bell & Co Ltd (2018) Direct Economic Impact of the TANK – A report prepared for Hawke's Bay Regional Council', Nimmo-Bell; McDonald, G & McDonald N. (2018) Economy-wide Impacts of Proposed Policy Options for the TANK Catchments, Market Economic Limited;

General comments about Plan Change 9

HortNZ submits that the following matters need to be addressed throughout the plan change:

- There is a need to review, and make explicitly clear, the scale at which each and every provision applies – is it at a property, farming enterprise, sub-catchment, catchment, water management unit or catchment collective scale – or an alternative scale? This is not currently clear, and in the provisions where the scale of assessment is specified, it is unclear why that particular scale has been chosen, as it varies significantly throughout the plan change document. HortNZ submits that this needs to be made clear in every provision, and planning maps prepared and included in the plan that clearly show the extent of each and every 'scale' at which provision will apply.

- There is a need to 'tighten up' terminology used as in some cases different terms are used to refer to what appears to be the same thing – for example, within TANK 5 both 'catchment collective' and 'landowner collective' are used, when it appears that the same entity is in fact being referred to. Another example is the variation in ways that the Karamu and Clive Rivers are referred to (refer to Obj TANK13 and Policy 2 for example). It is really important that consistent terminology is used to refer to the same things, and also that distinctively different names are used to refer to 'water quality' entities (e.g. catchment collectives, but as outlined in this submission what HortNZ believes should be simply collectives), compared to 'water quantity' entities (such as stream flow maintenance schemes), so that it avoids confusion for the many people that may be members of both. It is acknowledged that in some cases an entity could effectively serve both purposes, but that will certainly not be the case everywhere. A plan is only as effective as its implementation, so at all times, checks and considerations need to be made of how the plan will be interpreted and understood by plan users, so that those who need to make changes to their practices, can understand what those changes are.

- HortNZ submits that the term 'good management practice' should be used, instead of industry good practice or other variations. This would be consistent with approaches taken in other regions such as Canterbury, and from a HortNZ perspective, is consistent with the terminology used within GAP schemes.

- HortNZ is concerned that the provisions proposed in the plan may not be sufficient to address the issues challenging the ecosystem health of the Ahuriri Estuary. It is the observation of growers living within the Ahuriri Catchment that sediment inflow to the estuary, at least in recent times, have largely been the consequence of recent, large scale subdivisions on the hills of the catchment. It is unclear how the rules of this plan change will tackle such activities. The number of horticultural growers within the Ahuriri Catchment, particularly in the northern part around Bay View is small, yet efforts to reduce sediment are targeted at owners of blocks of land greater than 10ha, which arguably, may not address one of the key sources of the problem. HortNZ will support its growers to improve their practices where they are not already at or exceeding good management practice, but also submits that all potential contributors to the problem need to be addressed by this TANK plan change, to ensure that improvements in the ecosystem health of the estuary can be achieved.

Specific comments on proposed provisions

HortNZ has specific comments about the provisions detailed below as currently drafted, and seek the specific amendments set out in the table at the end of the submission, or amendments to like effect. We also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

Objectives

OBJ TANK 4

Land and water use, contaminant discharge and nutrient loss activities are carried out so that the quality of the TANK freshwater bodies is maintained where objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 26 by 2040 provided that:

a) For any specific water body where the attribute state is found to be higher than that given in Schedule 26, the higher state is to be maintained; and

b) Maintenance of a state is at the measured state[4].

HortNZ submits that the scale of the proposed surface water management units is large. It is unclear where the target attribute states are to be achieved – if this includes all current monitoring locations, or at a subset of monitoring sites at a smaller sub-catchment scale. The maps would be improved by including the locations of the monitoring sites and the current attribute state at those sites, so it is clearer whether the outcomes sought are to maintain or improve water quality, and where this is required.

HortNZ also notes that it is unclear whether or not modelled state data will be used where actual monitoring data is not available, and if 'modelled' state data is used does 'maintenance' mean that it can't decline within the relevant NOF band? This needs to be clarified.

OBJ TANK 7

Land use is carried out in a manner that reduces contaminant loss including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment.

Some land use, particularly horticultural land use on flat land with permanent crops, will presently be undertaken in a manner that already meets good management practice, or may even be at best management practice, therefore it would be difficult, and arguably unnecessary to reduce contaminant loss further. It is important that growers that are already operating at or exceeding good management practice are acknowledged, while simultaneously recognising that there are some practices that could and should be improved to reduce contaminant loss. HortNZ believes that good management practice should be industry specific where established industry codes of practice are available, such as Horticulture New Zealand's Code of Practice for Nutrient Management, or with broader primary sector documents, such as the Industry-agreed Good Management Practices relating to water quality[5], which HortNZ was a partner in the development of. It is also important that the ongoing evolution of good and best management practices is acknowledged and enabled by regulatory frameworks, as particularly the individual product groups that HortNZ represents, as well as some larger producers have ongoing research and development programmes that are constantly looking for ways to reduce the environmental footprint of horticultural production, and all growers must be enabled to adopt good management

[4] The state is as measured according to the method specified for each attribute. It does not allow for decline to a lower state within any band specified in the NPSFM:2014 (as amended 2017);

[5] https://ecan.govt.nz/your-region/farmers-hub/gmp/what-are-industry-agreed-good-management-practices/

practices as and when they are developed. A need for resource consents in particular to be drafted with this in mind is critical, and will mark a departure from current practices that have sought to include increasingly specific conditions, that could potentially make any changes in on-farm practices (even if they represent new good management practices) not consistent with application documentation a compliance issue.

HortNZ recognises that the TANK estuaries in particular are vulnerable to sediment discharges, and that methods that seek to manage this risk should be focused on the overall load of sediment that is discharged from land uses to sensitive downstream receiving environments, rather than focussing on contributions from individual properties/enterprises.

OBJ TANK 8

Aquatic ecosystem health and mauri of water bodies in the TANK catchment is improved by appropriate management of riparian margins to:

a) reduce effects of contaminant loss from land use activities;
b) improve aquatic habitat and protect indigenous species including fish spawning habitat;
c) reduce stream bank erosion;
d) enhance natural character and amenity;
e) improve indigenous biodiversity;
f) reduce water temperature in summer;
g) reduced nuisance macrophyte growth.

HortNZ supports the intent of OBJ TANK 8, however question what 'appropriate management' entails. It is also unclear from the drafting of the objective the scale at which this objective applies – is it at a property/enterprise scale, or is this at a sub-catchment/catchment level? HortNZ strongly believes that is should be at a scale greater than the property/enterprise, as riparian planting will not necessarily be the most pressing action that needs to be addressed on every individual property/enterprise – particularly in the case of horticultural operations where stock access to waterways is generally not an issue. HortNZ strongly believes that a sub-catchment/catchment approach to addressing water quality issues must be the focus of PC9, as this allows better 'bang for buck' to be achieved, and areas with the poorest water quality to be targeted first, rather than potentially focusing on every individual undertaking actions on their own property/enterprise, which arguably could result in limited improvements in water quality over a longer period of time. Collective management of water quality is considered to be more effective, and arguably is enabled, to some degree, by the proposed stream flow maintenance schemes that are proposed to be established. HortNZ supports a collective approach, although does have some concerns about the drafting of the specific provisions relating to stream flow maintenance schemes, which are addressed in further detail as relevant throughout this submission.

HortNZ also notes the importance of HBRC Works Group in its role managing the regions flood control and drainage schemes in potentially achieving this objective, and while the need for them to continue to effectively maintain the schemes is accepted and supported as it is something that horticultural growers rely on, the works groups practices to date have in some places not been conducive to the establishment of riparian planting on margins, therefore it is submitted that these practices need to be reviewed, and where appropriate amended.

The regional council also has an important role to play in the achievement of this objective as providers of expert knowledge about riparian planting. In the process of preparing this submission, HortNZ has received feedback from a number of growers who have requested information about riparian planting

from the council, and it has not materialised. This needs to be recognised as a matter of urgency by the council, and made available as soon as possible – potentially before the provisions of this plan are finalised, because the enthusiasm of landowners is critical in achieving improvements in riparian margins, and the resources that growers have to undertake such work (in terms of both time and money) can and does vary, so it is critically important that they are enabled to undertake planting when they are willing and able to do so. HortNZ and the horticultural product groups are happy to work with the council to develop riparian planting advice for orchard and vegetable growing landscapes, including crop specific advice that includes crop specific pest management considerations, as well as information about long-term maintenance considerations that need to be considered at the time of establishing riparian planting.

OBJ TANK 15

In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using, damming and diverting of freshwater connected to the Wetland and lake waahi taonga within the TANK catchments is managed so that mauri, water quality and flows, and levels are maintained and improved to enable;

a) healthy and diverse indigenous fish, bird and plant populations in wetland and lake areas and connected waterways;
b) improved hydrological functioning in wetland and lakes and in connected waterways;
c) people to safely carry out a wide range of social and cultural activities;
d) collection of mahinga kai to provide for social and cultural well-being;
e) contribution to improved water quality in connected surface waters;
f) the protection of the outstanding values of the Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp; And to;
g) increase the total wetland area by protecting and restoring 200ha hectares of existing wetland and reinstating or creating 100ha of additional wetland by 2040.

While the overall intent of the objective is understood, it lacks clarity about how the 200ha of existing wetland to be restored and 100ha to be reinstated or created will be identified, and thus the objective achieved. It is important that the identification of these areas is undertaken in a collaborative manner, in which all interested parties are involved in the discussions. If areas where restoration or reinstatement/creation could be undertaken have already been identified, it would be useful if that information was socialised so that communities of interest to each potential area of enhancement can begin to discuss it. It is also important that wetland restoration/creation is done taking into account any impact it may have on flood levels on adjoining and/or upstream properties, and it is suggested that this needs to be included as a specific matter in this objective. Growers have raised concerns about being excluded from discussions about potential wetland developments, where those activities have or would have a real impact on flood levels on their properties. Changes in water levels can have real and immediate impacts on crop yields, as well as making other management practices more difficult as a consequence of wetter soils, which can result in new, adverse environmental effects. HortNZ therefore submits that wetland restoration or creation work is undertaken in a holistic manner, that properly accounts for the needs of all stakeholders that would be impacted by it.

OBJ TANK 17

The allocation and use of water results in;

a) the development of Māori economic, cultural and social well-being supported through regulating the use and allocation of the water available at high flows for taking, storage and use;
b) Water being available for abstraction at agreed reliability of supply standards;
c) Efficient water use;
d) Allocation regimes that are flexible and responsive, allowing water users to make efficient use of this finite resource.

It is not clear whether the list is in any order of priority order. If it is, then HortNZ opposes the prioritisation of a) over matters b)-d). In any event, whether or not the list sets an order of priority needs to be clarified.

OBJ TANK18

The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through;

a) water conservation, water use efficiency, and innovations in technology and management;
b) flexible water allocation and management regimes;
c) water reticulation;
d) aquifer recharge and flow enhancement;
e) Water harvesting and storage.

As already set out in this submission, given that water harvesting and storage(based on this current draft of the plan change) provides the only means of accessing 'new' water, HortNZ cannot emphasis enough how critical water harvesting and storage is to ensure the foreseeable water needs of even current, let alone future, generations, and that the total allocation set out in Schedule 32 can be taken, as well as the potential for additional water to be harvested investigated also. HortNZ submits that there should be prioritisation introduced to this objective, and water harvesting and storage should be recognised as being the most important means of securing water for future generations. HortNZ agrees that reductions in water use, and thus steps towards achieving greater water security will be achieved through the matters identified in a), b) and c), however 'gains' are unlikely to be significant, as many horticultural growers are already achieving (or are beyond) good management practice with respect to their water use efficiency, with the technology that is currently available. Technology will continue to develop over time, and all water users should be required to operate in accordance with good management practice, however, this will take some time. HortNZ also understands that there remains considerable uncertainty about whether 'aquifer recharge' is a viable means of securing the current and foreseeable water needs of future generations, and therefore seeks that it is deleted from this objective.

Policies

Policy 1 – Priority Management Approach

The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on:

a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality targets;
b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses;
c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries;
d) the management of riparian margins;
e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater;
f) the protection of water quality for domestic and municipal water supply.

HortNZ agrees that the protection of water quality for domestic and municipal water supply is important, but also believe that its protection for irrigation purposes is important, , particularly for the irrigation of horticultural crops, where water contaminated with sediment and pathogens can be unsuitable for irrigated food crops. HortNZ believes that 'irrigation purposes', should be added to f).

Policy 2

In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District Council to:

a) reduce water temperature and increase the level of dissolved oxygen by;
(i) the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives;
(ii) reducing excessive macrophyte growth by physical removal of aquatic plants in the short term;
b) adopt flow management regimes to remedy or mitigate the effects of surface and ground water abstraction;
c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land;
d) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas (refer also to Policies 28 -31).

HortNZ submits that, in relation to (a)(i), it is important that it is recognised throughout the plan that the horticultural sector has strict biosecurity requirements that must be meet, and riparian planting requirements need to accommodate that – for example, there may be some riparian plant species that can't be planted close to particular horticultural crops because they are potential host species for pests. HortNZ is happy to work with the council to ensure that advice around riparian planting is appropriate for horticultural contexts. The current drafting of the policy also doesn't make it clear the scale at which the policy is to be applied and assessed. HortNZ is strongly of the view that collective management is in most cases more effective, as it allows the most pressing problems to be addressed first, and ensures the greatest return on investment, when arguably it will take time for improvements across all catchments to be realised. As a result, HortNZ suggests that collectives are also included in the policy, as they will be crucial to achieving the outcomes sought.

Policy 4

In the lower Ngaruroro and Tūtaekurī Rivers and their tributaries, in addition to Policy 1 the Council will work with landowners to:

a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land;
b) reduce risk of proliferation of algae by reducing nutrient losses from land, including by reducing phosphorous loss associated with sediment;
c) improve ecosystem health and water quality by excluding stock from surface water bodies and improving riparian management.

It is unclear what the extent of the area referred to as 'the lower Ngaruroro' is. This needs to be defined and mapped, so the extent of the area that this policy applies to is clear.

Policy 6 – Protection of Source Water

The quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies will be protected, in addition to Policy 1, by the Council:

a) identifying a source protection extent for small scale drinking water supplies or Source Protection Zones for large scale drinking water supplies by methods defined in Schedule 35; and
b) regulating activities within Source Protection Zones that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water because of;
(i) direct or indirect discharge of a contaminant to the source water including by overland flow or percolation to groundwater;
(ii) an increased risk to the safety of the water supply as a result of a non-routine event :
(iii) potentially impacting on the level or type of treatment required to maintain the safety of the water supply;
(iv) shortening or quickening the connection between contaminants and the source water, including damage to a confining layer;
(v) in the case of groundwater abstraction, the rate or volume of abstractions causing a change in groundwater flow direction or speed and/ or a change in hydrostatic pressure that is more than minor.

The extent of the Source Protection Zones as currently mapped is extensive, and they cover a lot of land currently used for growing horticultural crops. The current drafting of the policy does not make it clear whether the new provisions apply to existing activities, or if they only relate to new activities. This needs to be made explicit in the policy.

If it is to apply to existing activities, the first priority should be for drinking water suppliers to quantify the vulnerability of the registered drinking water supply to contamination from land use, and then consider options to relocate existing drinking water supplies to less vulnerable locations, and to avoid locating new drinking water sources in locations that are vulnerable to contamination due to their hydrogeology.

,. The overall approach to source water protection within the plan is currently blunt and needs refinement. For example – can the contaminants that may cause an issue for registered drinking water supplies be specified, as arguably not all contaminants present a particular risk to the safe supply of drinking water. HortNZ supports regulation to ensure that registered drinking water supplies are kept safe, however it must be acknowledged that these new regulations relate to extensive areas of land, much of which is underlain by highly productive soils used for horticultural purposes. Productive soils are limited in their extent, and therefore their ongoing use for productive purposes must be protected, and arguably the

current drafting of this policy, as well as all others related to source protection zones, threatens to undermine that.

Policy 7

When considering applications to take water for a Registered Drinking Water Supply, the Council will:

- *a) provide for the replacement or amendment of a source protection extent or Source Protection Zone which reflects the level of protection required for that supply, according to a method specified in Schedule 35;*
- *b) provide for the amendment of a Source Protection Zone where new information changes the outputs from the method specified in Schedule 35;*
- *c) require applications to include an assessment of the Source Protection Zone required, taking into account the factors set out in Schedule 35;*
- *d) have regard to:*
  - *(i) the extent to which the application reflects the factors and methodology in Schedule 35 when establishing the Source Protection Zone; and*
  - *(ii) the impacts, including any costs and benefits, of any additional restrictions in the Source Protection Zone;*
  - *(iii) the level of consultation with landowners in the Source Protection Zone.*

While HortNZ supports the inclusion of methods within this plan change that enable the extent of source protection zones to be amended (and particularly reduced) without the need for a full plan change, as currently drafted, this policy has a high degree of flexibility, and ability for the extent of zones to be amended, which does not provide sufficient certainty for horticultural growers that may be impacted by it. As noted above, HortNZ submits that the first priority should be for registered drinking water supplies to avoid locating new registered drinking water supplies in vulnerable locations, and existing drinking water supplies relocated to less vulnerable locations where possible.

Notwithstanding the above, HortNZ submits that an explicit matter of consideration should be added to subsection (d) that requires the impact of any source protection zone on the ability of highly productive soils to be used/continue to be used for productive purposes, as if an area of productive soil would not be able to sustain such use as a consequence of being included within a source protection zone, then it is HortNZ's view, given the limited availability of these soils, the location of the registered drinking water supply must be revisited.

Policy 8

The Council will, when considering applications to discharge contaminants or carry out land or water use activities within:

- *a) the source protection extent for Registered Drinking Water Supplies, take into account possible contamination pathways and risks to the quality of the source water for the water supply,*
- *b) A Source Protection Zone, avoid or mitigate risk of contamination from the activity of the source water for the water supply by taking into account criteria including but not limited to;*
  - *(i) the amount, concentration and type of contaminants likely to be present as a result of the activity or in any discharge;*
  - *(ii) the potential pathways for those contaminants, including any likely or potential preferred pathways;*
  - *(iii) the mobility and survival rates of any pathogens likely to be in the discharge or arising as a result of the activity;*

(iv) any risks the proposed land use or discharge activity has either on its own or in combination with other existing activities, including as a result of non-routine events;
(v) ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to have more than a minor impact on flow direction or speed and/ or hydrostatic pressure;
(vi) the effectiveness of any mitigation measures to avoid or mitigate risk of contaminants entering the source water and the extent to which the effectiveness of the mitigation measure can be verified;
(vii) notification, monitoring or reporting requirements to the Registered Drinking Water Supplier

As noted above, HortNZ submits that the first priority should be for registered drinking water supplies to avoid locating new registered drinking water supplies in vulnerable locations, and where possible existing drinking water supplies should be relocated to less vulnerable locations. As noted above in relation to Policy 6, it is unclear whether this policy relates to existing activities, as well as new activities, and this needs to be clarified.

Policy 13

The Council will support improvement of riparian management to meet the specified timeframes (Policy 27) to provide for the values in Policies 11 and 12 by;
a) working with industry groups and landowner collectives to identify where riparian management is to be improved;
b) providing information about appropriate riparian planting that assists in meeting the values;
c) regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies;
d) providing funding assistance for riparian vegetation improvements; and
e) when making decisions on applications for resource consent to;
(i) take into account benefits arising to the values in Policy 11 and 12 as a result of the activity;
(ii) consider whether to waive the fees and charges required to process the application where;
1. there is significant public benefit from the activity or the nature and scale of the activity results in significant ecosystem benefits; and
2. the activity is not a requirement of any other resource consent

HortNZ supports and encourages the council to work alongside growers to improve riparian management (where it is appropriate taking into account biosecurity matters), and as highlighted earlier, encourage the council to start providing this support as soon as they can, to enable landowners to start making improvements ahead of this plan change becoming operative. HortNZ also notes a need to potentially clear indigenous vegetation for biosecurity purposes, which is addressed in relation to the specific rules later in this submission.

Policy 16

The Council will address the risks to human health and dogs from toxic phormidium by;
a) regular monitoring and reporting on the incidence of algae, including toxic phormidium and nutrient concentrations and ratios of nutrients in freshwater related to phormidium establishment;
b) adopting applicable national guidelines for the monitoring and management of toxic algae;
c) supporting national investigations into the incidence of toxic phormidium, the reasons for its establishment and measures to reduce the incidence;
d) reducing nutrient and sediment inputs in accordance with Policies 17 and 20;

e) maintain flushing flow;
f) ensuring the public has information about phormidium risk, including as a result the accumulation of toxic algal mats.

HortNZ submits that 'flushing flow' needs to be defined so that the impact of this policy can be understood.

Policy 17

The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures;
a) establish programmes and processes through Farm Environment Plans, Catchment Collectives and Industry Programmes to ensure land managers;
(i) adopt industry good practice;
(ii) identify critical source areas of contaminants at both property and catchment scale;
(iii) adopt effective measures to mitigate or reduce contaminant loss;
(iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen.

HortNZ submits that many horticultural growers have already adopted industry good practice[6], and in some cases operate above it (at best management practice), and this should be acknowledged in the wording of (a)(i) and (iii). With regards to (a)(ii), HortNZ notes that if a landowner is not part of a collective, it would be difficult for them to identify critical source areas at the scale of the collective, and arguably is not necessary. Associated with this, HortNZ submits that collectives should be recognised as being an important party and key to the achievement (or not) of this policy, and the wording at the start of the policy should be amended to reflect that. The wording of (iv) is also inconsistent with the requirements of Schedule 30 (2.3) which relates to all nitrogen concentrations, not just dissolved nitrogen – from a clarity perspective the form of nitrogen needs to be made clear and consistent across the plan. HortNZ also submits that the current drafting of this policy confuses again the scale at which improvements are to be assessed. Schedule 26 identifies objectives/targets at the freshwater quality management unit scale, which is what the planning maps depict, but then also identify other 'units', for example on Schedule 26A the 'Upper Tutaekuri River, 'Tutaekuri Tributaries' and 'Lower Tutaekuri River' are labelled, but their extents not explicitly identified, nor the status of these areas defined anywhere. This needs to be clarified and made consistent across the plan. , HortNZ also submits that the management of the impacts of land use should be focused at the collective scale – not focused on an individual property basis, and the drafting of the plan change must consistently reflect this.

HortNZ also notes that the term 'critical source areas' is a term predominantly used by the pastoral sector to refer to sources of sediment, and these are not necessarily present on all properties – particularly flat land farmed by many horticulturalists. HortNZ suggests ii) should be amended to require the identification of sources of contaminants more broadly, and not appear so focused on sediment, or alternatively a definition of critical source area could be included, that clarifies that it relates to all sources of potential risk (ie. biological, chemical and physical).

[6] As noted elsewhere in this submission, HortNZ submits that the term that should be used, and would be more consistent with terminology used elsewhere in NZ would be 'good management practice'.

Policy 18

The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by;

a) gathering information to determine sustainable nutrient loads;

b) developing nutrient limits and a nutrient allocation regime if the management framework in Policy 17 is not leading to improved attribute states by the time this plan is reviewed;

c) regulating land use change where there is a significant risk of increased nitrogen loss;

d) gathering and assessing information about environmental state and trends and the impact of land use activities on these;

e) working with industry groups, landowners and other stakeholders to undertake research and investigation into;

(i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments;

(ii) nutrient uptake and loss pathways at a property scale;

(iii) measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes.

HortNZ fundamentally supports the staged approach that has been adopted to nutrient management in this plan change that seeks to gather further information about sustainable nutrient loads over the first phase of this plan change (ie. the next ten years), and then only develop a nutrient allocation regime if this approach is not successful. This approach enables growers to adapt their practices, and seek to reduce the environmental impact of their operations, without being constrained by the additional and arguably unnecessary restrictions (at this point in time) that a nutrient allocation regime would introduce. HortNZ believes that this staged approach is more likely to result in long term, positive environmental practice change, than the imposition of a regulatory allocation framework would achieve.

Notwithstanding the comments above, HortNZ submits that the phrase 'significant risk of increased nutrient loss' used in c) is very broad and it is unclear what it means. y. There also appears to be some inconsistently in the terminology used, as other objectives and policies of the plan do not refer to improvement in attribute states (as per (b)) – they refer to maintaining current state (if objectives in Schedule 26 are currently being met), or meeting the target, if the objective isn't currently met. Care needs to be taken to ensure references and terminology are used consistently throughout the plan change. HortNZ also notes both industry programmes and collectives could deliver measures to reduce nutrient loss at the property and collective scale, and e)(iii) should reflect that.

HortNZ supports policy that manages discharges of nutrients, however in our view this should be part of a multi-contaminant approach. Nitrogen cannot be substituted as a proxy for achieving other target attribute states for all land uses. For example, horticultural practices may be associated with very minor *E. coli* or sediment load discharged from a catchment. Conversely, extensive pastoral activities may have relatively low nitrogen losses, but have significant impacts on *E .coli* and sediment catchment loads. In our view regulation of land use change should consider all contaminants and consider effects of the discharge of contaminant loads on the sought outcomes.

Policy 19

In catchments that do not meet objectives for dissolved nutrients specified in Schedule 26, the Council will ensure landowners, landowner collectives and industry groups have nutrient management plans according to the priority order in Schedule 28.

The term 'dissolved nutrients' is too broad, and is not consistent with the requirements stated in Schedule 30, which requires nutrient management plans in catchment or programme areas where nitrogen concentrations are not being met, and Policy 17 requires them only where dissolved nitrogen concentrations are not being met. There needs to be alignment across the plan, and clarity provided about where nutrient management plans are actually required.

Policy 21

The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and in making decisions on resource consent applications, the Council will take into account:

a) whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken;

b) where any relevant TANK Industry Programme or Catchment Collective is in place the extent to which the changed land use activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes;

c) any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure the actual or potential contaminant loss occurring from the property, in combination with other contamination losses in the catchment will be consistent with meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and minimisation of nutrient losses; and will;

d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.

HortNZ is generally supportive of the approach that is proposed to address land use change, however fundamentally does question why nitrogen loss is used as the trigger for resource consent, when that is not the contaminant of concern in all areas. Arguably the focus or trigger for regulation of land use change should be related to the particular state of the catchment in which the land-use is occurring – this would better reflect the effects based intent of the RMA, and would for example mean that if *E. coli* is the particular contaminant of concern, and a landowner wants to convert 15ha of their property into an apple orchard, this should be enabled and encouraged, as this change would have a positive impact on *E. coli* concentrations. However, HortNZ also accepts that using nitrogen as a trigger for land use change is an approach that has been adopted elsewhere in New Zealand, and using nitrogen as a trigger for assessment may be acceptable where the assessment then goes on to consider all contaminants. HortNZ do not, however, accept it as being the over-riding criteria on whether all consents would be granted or otherwise.

With regards to the specific wording of the policy, HortNZ is unclear about the meaning of the word 'catchment' in a). Does this refer to the existing state versus the target attribute states and the surface water management units, or does it relate to the priority catchments in Schedule 28? If it is the priority catchments specified in Schedule 28, presumably the subsection relates to all contaminants? It is unclear how the spatial extent of the priority catchments identified in Schedule 28 relates to the spatial extent of the catchments delineated in Schedule 26 (and shown in the Planning Maps).The relationship between

the priority assignment, and the target attribute state for the same catchment or sub-catchment, is also unclear.

HortNZ is also concerned this policy does not adequately enable the cumulative load of contaminants discharged from upstream land uses to downstream water bodies to be accounted for. In our view this may unfairly constrain land use change in lower catchments, where rivers receive contaminant loads from all land upstream.

With regards to the specific wording of the policy, HortNZ is concerned that the use of 'avoid' in d) could potentially mean that no land use change could occur in catchments where the dissolved nitrogen limits are not being met, as arguably any increase in nitrogen loss could be considered to contribute to the dissolved nitrogen objectives/targets not being met. Presumably the load provided for within the proposed restricted discretionary activity (10ha at average leaching rates) is considered to be an increase in load per farm that is acceptable without further assessment. It is also not clear where the dissolved nitrogen limits are currently being met as these are not mapped (it is total nitrogen and nitrate yield that are mapped), therefore it is difficult to understand the impact of this policy. In any event, HortNZ has concerns about its current drafting, and its potential to effectively prohibit land use change in whole catchments, which could have dire consequences for horticultural production with the TANK catchments. HortNZ also notes that there is a lack of clarity in the drafting of the policy about whether it is just targeting nitrogen, or whether it is seeking to consider the impact of any increases in other contaminant discharges that may result from land use change. Nitrogen is used as the trigger for consent, but as noted above, HortNZ believes assessments of applications should focus on the contaminants of concern resulting from, and in the vicinity of an activity – which may or may not be nitrogen.

HortNZ also submits that the land use change policy needs to be amended to signal the positive impacts that can result from land use change. Land use change is important for supporting domestic food supply, climate change mitigation and climate change adaptation. Enabling and promoting sustainable land use change requires some flexibility so increases in some contaminants must be enabled at the farm scale, provided at the FMU or collective scale, the overall water quality outcomes across a range of values are achieved.

We also seek that policy support is provided for vegetable growing, both to recognise that crop rotation is important for soil health and is not defined as land use change, and also to recognise the importance of vegetable growing for supporting domestic food supply. As we detail later in this submission, consenting for vegetable growing must enable growers to rotate consented areas of crops across highly productive land.

We also propose that the policy looks to support land use change to activities that have lesser greenhouse gas emissions, enhance sequestration and that support climate change adaptation.

Policy 23

The Council will support the establishment and operation of Industry Programmes and Catchment Collectives and:

- *a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers;*
- *b) support local investigation and water monitoring programmes where information gaps exist;*
- *c) support development and use of catchment scale models that assist in identification and management of critical source areas;*
- *d) support catchment and farm scale decision making to meet freshwater objectives and encourage local solutions and innovative and flexible responses to water quality issues;*
- *e) work with water permit holders to encourage and support establishment of catchment collectives that address both freshwater quality objectives and stream flow management through*

environmental management programmes as specified in Schedule 30 and Schedule 36 and within the timeframes specified in Schedule 28.

HortNZ is pleased to see acknowledgement of the role that industry programmes can play in helping to meet freshwater objectives within the TANK Catchments, however are strongly of the view that industry programmes and collectives need to be recognised as quite different entities that, while both important to achieving improvements in freshwater throughout the TANK catchments, will contribute to that in different ways. Industry programmes, or in the case of GAP, industry assurance schemes are about the development, implementation and monitoring of farm environment plans – one tool that will help facilitate good environmental management practices. Collectives enable a collective approach to managing resources – whether that be land or water, and provide a means of sharing potentially the use of those resources (in terms of water), but also could enable sharing of any costs associated with monitoring, technical support, as well as knowledge sharing amongst landowners and the development of shared objectives and actions. HortNZ therefore suggests that Policy 23 is redrafted to delete the reference to industry programmes, as the tasks identified in the policy are roles that collectives would achieve – not industry programmes. It is important that the expectations of all TANK stakeholders about what can practically be achieved by industry programmes and collectives are clear and practicable. HortNZ also notes that the shape of industry programmes does vary, and the drafting of all policies that include reference to industry programmes does need to acknowledge this, as not all programmes are quality assurance schemes in the same way that GAP schemes are. With regards to a), one of the key roles in industry programmes is providing to members information about good management practices – arguably this is a role that sits more appropriately with them, rather than the council, and should therefore be deleted from the policy.

Policy 24

The Council will continue to work with landowners, industry groups and other stakeholders to manage land and water use activities so that they meet objectives for freshwater/aquatic ecosystems by:

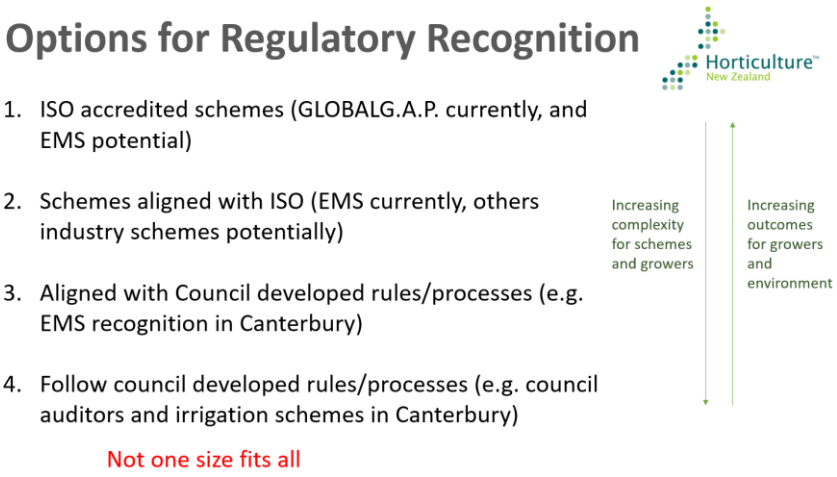
a) further supporting the development of Industry Programmes that contribute to meeting applicable freshwater objectives and that;
- *(i) identify practices that contribute to meeting applicable freshwater objectives;*
- *(ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses;*
- *(iii) ensure individual performance under an Industry Programme is monitored;*
- *(iv) provide annual reports to the Council on progressive implementation of measures identified in Industry Programmes established under Schedule 30 and progress towards meeting applicable objectives for water quality;*
- *(v) promote adoption of good industry practice;*
- *(vi) ensure that Industry Programmes are consistent with the requirements of Schedule 30;*

b) supporting landowners to establish Catchment Collectives to develop and implement environmental management plans that contribute to meeting applicable freshwater objectives and that;
- *(i) identify and adopt measures at a property scale and collectively with other land managers that reduce contaminant losses or remedy or mitigate the effects of land use on freshwater objectives;*
- *(ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses;*
- *(iii) ensure individual performance under a catchment collective is monitored;*
- *(iv) provide annual reports to the Council on progressive implementation of measures identified in landowner collectives established under Schedule 30 and progress towards meeting applicable objectives for water quality;*
- *(v) promote adoption of good agricultural practice;*

(vi) ensure programmes prepared by a collective are consistent with the requirements of Schedule 30;

c) Approving any Landowner Collective or Industry Programme developed under Schedule 30; d) Auditing Landowner Collective or Industry Programmes prepared and approved under Schedule 30 including auditing of member properties.

HortNZ submits that the drafting of this policy needs to be amended to better reflect how industry programmes, such as GAP work in practice, so that those industry schemes can be used by growers to satisfy the farm planning requirements of this proposed plan. With regards to subsection a), GAP schemes make a suite of practices available to growers, and they select the ones that suit their situation, and achieve the required outcome – the scheme itself does not identify what practice will contribute to meeting the applicable freshwater objectives of this proposed plan change, although catchment specific guidance is provided to help growers make these decisions. GAP Schemes also do not specify timeframes for the completion/adoption of measures to mitigate contaminant losses – again, growers determine these, taking into account council requirements/timelines, and industry requirements, as well as the specific circumstances of their operation. NZGAP and other industry GAP programmes monitor progress towards achievement of the measures, and thereby ensure that relevant actions are completed within the required timeframes. Individual performance is certainly monitored through GAP schemes through audits undertaken by a third party, the frequency of which is determined by the growers time as a member of the scheme, and then historical compliance. As noted above, measures are decided and implemented by individual growers, but progress towards implementation can be aggregated and reported for the programme. In relation to subsection c) again it is submitted that the requirements for landowner collectives and industry programmes should be separated out in Schedule 30. HortNZ questions the benefits of auditing GAP schemes, given that the scheme already involves independent third party audits of member properties. In terms of auditing the scheme itself, it is questioned what environmental risks would be identified in HortNZ's head office in Wellington or other industry GAP programmes, although it is accepted that Council does need to recognise the schemes – some potential options for doing this are outlined in the figure below.



Policy 26

Where individuals are members of a Catchment Collective or Industry Programme but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 30, or do not follow the agreed terms of membership the Council will;

a) provide a conflict resolution service;

b) where an individual is no longer, or is deemed through conflict resolution processes not to be, a member the Council will;

(i) require the development of a farm plan for that property within 6 months or;

(ii) require an application for a land use consent to be made; c) take appropriate enforcement action.

If growers do not meet the GAP requirements, then they are no longer a member of a GAP scheme. Scheme membership is in many cases a condition of global supply of produce which creates a significant incentive for growers to meet GAP schemes requirements. If a grower is no longer a member of a GAP scheme, then their compliance with all requirements of this plan would become a matter between the grower and the council. In the case of GAP, a conflict resolution service would not be necessary.

Policy 27

The Council will develop an implementation plan for this Plan Change with industry groups, landowners, water permit holders, tangata whenua, and other stakeholders to ensure that the land owners and lease holders are engaged in industry or landowner collective programmes or have prepared farm environmental plans within the timeframes in Schedule 28 and to ensure reporting (as specified in Schedule 30) on the milestones in Table 1 below.

Further context around the milestones set out in Table 1 would be helpful, however suggest that the table could be moved to Schedule 30, and requirements to report on it included there. HortNZ also suggests that the development of an implementation plan is not going to ensure that landowners and leaseholders are going to meet their farm planning requirements (either individually or as part of a programme or collective). That is a compliance issue that will need to be addressed by the regional council, which HortNZ will do what it can to support. HortNZ suggests this policy is deleted, with Table 1 being moved to Schedule 30.

Policy 32

The Council will support the development of an Ahuriri Estuary Integrated Catchment Management Plan by;

a) improving the quality of freshwater entering the Ahuriri Estuary through the measures included in this plan; and

b) carrying out investigations to help better understand processes and functions occurring within the estuary and its connected freshwater bodies.

HortNZ requests that representatives of the primary sector, alongside all other relevant stakeholder groups, are involved in development of an integrated catchment management plan for the Ahuriri Estuary to ensure that it genuinely reflects the needs and wants of all catchment stakeholders, who all have a role to play in improving the ecosystem health of the estuary.

Policy 34

Council will meet regularly with representatives from TANK stakeholder groups to:
a) review and report on the TANK implementation plan;
b) identify issues arising and develop measures to enable their resolution.

Regular meetings of a group similar to that of the TANK collaborative group that worked to develop the provisions that formed the basis of this plan change is critical to enable the ongoing engagement of all sectors of the community in achieving improvements in freshwater management across the TANK Catchments. The matters that the group considers should not be restricted to the implementation plan, but over the period of this plan change, should continue to discuss and consider progress towards achieving improvements in freshwater management, and consider options as to what approaches might be taken at the time of plan review. Discussion around practical implementation issues is important, and should form part of the discussion also, but it is also important that the bigger picture continues to be reassessed, collectively and collaboratively, so that any decisions are made taking into account the views of the broad range of stakeholders that have vested interests in the TANK catchments. HortNZ submits that providing some greater detail around the membership of this group, and frequency of meetings would be helpful.

Policy 36

The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on:
a) groundwater levels and aquifer depletion;
b) flows in connected surface waterbodies;
c) flows of the Ngaruroro River;
d) groundwater quality through risks of sea water intrusion and water abstraction;
e) tikanga and mātauranga Māori;
and will adopt a staged approach to groundwater management that includes;
f) avoiding further adverse effects by not allowing new water use
g) reducing existing levels of water use;
h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies;
i) gathering information about actual water use and its effects on stream depletion;
j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes;
k) including plan review directions to assess effectiveness of these measures.

HortNZ submits that some new water use is proposed to be allowed through high flow takes, so f) must be reworded to enable that water to be taken. HortNZ also notes that the wording of this policy as agreed by the TANK collaborative group was to 'restrict' new allocations, rather than avoid, and HortNZ supports amendment to reflect that. HortNZ considers 'avoid' to be unnecessarily restrictive. HortNZ also opposes the requirement to 'reduce existing levels of water use' set out in g) as this precludes the use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters (which HortNZ also opposes and is discussed later in this submission) is intended to align with previous actual water usage, however it is a modelled number and not cumulative consented actual use. HortNZ also submits that (i) should be undertaken before (h) (given that the list sets out a staged approach), as impacts should be understood before mitigation is decided upon, as otherwise a perverse outcome could arise by which water that isn't actually needed to mitigate stream depletion effects is taken, and discharged, which arguably is an unnecessary and inefficient use of water. HortNZ also notes that knowledge about the groundwater resource will improve, and we support signalling a process for new and improved information to be taken into account in decision making.

Policy 37

In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will;

a) adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017;

b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan;

c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater;

d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to;

(i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year;

(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50);

e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.

The proposed interim allocation limit of 90 million cubic metres is based on a modelled estimate of peak 'actual' water use – it is not an accurate reflection of actual and reasonable water use prior to 2017. Given this, HortNZ is strongly of the view that the specific reference to '90 million cubic meters per year' should be deleted, and the wording amended to state 'an interim allocation limit based on reasonable use' – taking into account HortNZ's comments in relation to the definition of actual and reasonable provided in the 'Glossary' section of this submission. It is noted that the 90 million cubic metre limit was a non-consensus item in the plan change documentation put together by the collaborative group. HortNZ submits that locking in the modelled (ie. not even actual) water and land use pattern across the Heretaunga Plain prior to 2017 is not consistent with the sustainable management purpose of the RMA – it allows no flexibility to respond to the changing climate, and locks in a pattern of water and land use that has had some adverse effects on the environment. It is absolutely critical to the ongoing sustainability of the horticultural sector in Hawke's Bay for there to be some flexibility to allow change in land use, which will have consequential effects on water use patterns.

HortNZ also questions the avoidance of re-allocation of water that might become available within the interim groundwater allocation, within the life of this plan. HortNZ submits that this water could and should be made available if it is to be used for primary production purposes, or for use in stream flow maintenance and enhancement schemes. Arguably the re-allocation of water is not the allocation of new groundwater (and therefore would be consistent with c), and given the difficulty of gaining access to any new water, HortNZ submits that ensuring that water that has already been used can be re-allocated to be used for primary production purposes will assist the survival of the horticultural industry in the TANK Catchments.

Policy 38

The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either:

a) upon expiry of the consent; or

b) in accordance with a review of all applicable permits within ten years of;

whichever is the sooner.

HortNZ questions the resource management basis of restricting re-allocation to existing (as at 2 May 2020) water permit holders, particularly given suggestion above that re-allocated water could be allocated for stream flow maintenance and habitat enhancement schemes – these may well be entities that do not currently exist, and therefore do not currently hold water permits.

Policy 39

When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will:

a) either;

(i) require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or

(ii) enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that;

1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and

2. improve oxygen levels and reduce water temperatures;

b) assess the relative contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and

c) enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates.

HortNZ supports maintaining (a)(i) and providing ongoing ability for individuals to manage their own effects. HortNZ also supports the ability for stream depletion effects to be managed collectively, but believes it will be extremely difficult for schemes to be developed by consent applicants, and therefore submits that these schemes are developed in a progressive manner by HBRC – based on water permit expiry dates (as seems to be indicted by c) in terms of a timing approach) ie. they focus on development of schemes in those areas first, and then tackle the next area that expires and so on. HBRC hold all the relevant scientific and technical information required to operationalise such schemes therefore it is critical that HBRC takes on a central role in their development.

This potentially avoids issues with conditions going onto water permits if schemes aren't set up before replacement consents are issued, and also provides a plan, in that schemes simply can't be set up everywhere straight away, due to the time and effort that is required in establishing them. Also, there are physical limitations on where schemes will actually work, so some water permit holders will not be able to physically be part of a scheme, and potentially therefore have to either cease take at minimum flow, or just contribute financially and off-set their effect that way, but in any event, getting systems and processes set up to facilitate that will take time, and there remains considerable uncertainty about how this will be undertaken.

HortNZ also notes the importance of ensuring that the stream depletion calculator, that will be used to calculate the stream depletion effect of each take, has been developed using robust scientific approaches, and it has been adequately peer reviewed, given how significant the impact of its calculations are going to be for water permit holders, therefore there needs to be a high level of confidence across the community that (acknowledging that it is a model) it is appropriate, and that where improved information becomes available through monitoring is used to improve and update the tool

HortNZ understands that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. HortNZ supports in principle a jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

Policy 41

The Council will remedy the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through:

a) further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes;
b) if such a scheme is feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate; and
c) if such a scheme is not feasible, to review alternative methods and examine the costs and benefits of those.

HortNZ opposes the current wording of this policy, as 'remedying' the effects of all groundwater takes on the Ngaruroro would be a huge undertaking, and it is unclear whether from an environmental perspective it would be beneficial, nor whether it would be in the best interests of the broader TANK community. HortNZ submits that the wording of the policy needs to be amended to reflect the substantial uncertainties that exist about whether this would be feasible and/or appropriate.

Policy 47

When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by:

a) ensuring that the technical means of using water are physically efficient through;
(i) allocation of water for irrigation end-uses based on soil, climate and crop needs;
(ii) requiring the adoption of good practice water use technology and processes that minimise the amount of water wasted; and
(iii) the use of water meters;
b) using the IRRICALC water demand model if available for the land use being applied for (or otherwise by a suitable equivalent approved by Council) to determine efficient water allocations for irrigation uses;
c) allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard that meets demand 95% of the time;
d) requiring all non-irrigation water takes (except as provided by Policy 50 for municipal and papakāinga supplies) to show how water use efficiency of at least 80% is being met and is consistent with any applicable industry good practice;
e) requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards;
f) requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with any applicable industry codes of practice.

HortNZ submits that the wording of this policy should be amended to be better aligned with how the irrigation related terms are used within the irrigation industry, which will improve the clarity of the policy. With regards to subsection c), HortNZ submits that "a minimum application efficiency standard of 80%" is not actually a standard and is not a widely accepted concept. There appears to be confusion between application efficiency and distribution uniformity (which is a measurable quantity and can be considered a standard), and this needs to be clarified by changing the reference to distribution uniformity, and including a definition.

Policy 48

When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider:

a) declining applications where the transfer is to another water management zone unless;
(i) new information provides more accurate specification of applicable zone boundaries;
(ii) where the lowland tributaries of the Karamū River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows;
b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take;
c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Schedule 25 and in the objectives of this Plan;
d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season;
e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food;
f) in Water Quality Management Units that are over-allocated, ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water;
g) declining applications for a change of use from frost protection to any other end use;
h) enabling the transfer of a point of take and change of water use to municipal water supplies, including for marae and papakāinga , (not including transfer to industrial uses above 15m3/day) from any other use for the efficient delivery of water supplies and to meet the communities' human health needs for water supply, subject to clause (b).

HortNZ submits that it is unclear what/where the 'water management zones' are, and therefore difficult to understand the potential implications of the policy on horticultural growers. Freshwater Management Units are what is depicted on the TANK planning maps, not water management zones. This may be a terminology issue, or require additional plans to be prepared and form part of the plan change, although from a plan usability perspective, a proliferation of different management units is not helpful to plan implementation, and should be avoided if possible. It is also unclear what is actually meant by 'change in water use' - does that mean a change to the conditions of consent, such as a change in rate of take, or does it mean a change of use in terms of the crop that is being irrigated, and if so, what is the extent of change that constitutes a change in the context of this policy – is it a change in over 10ha to be consistent with the land use change regulations, or does it mean something else?. HortNZ encourages HBRC to adopt a pragmatic approach in this regard, and stipulate water use in general terms, such as 'irrigation of horticultural crops', rather than being overly prescriptive. HortNZ strongly supports the priority afforded to irrigation of versatile land that is afforded by subsection e). Also in relation to g) given the changing climate, frost protection may no longer be necessary in some locations, or it may be required

less often, yet water demand for irrigation may increase, and could potentially be met by a change of use from frost to irrigation.

Policy 49

When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:

a) knowledge about the water bodies;
b) over-allocation of water;
c) patterns of water use;
d) development of new technology;
e) climate change effects;
f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council;
g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter.
h) will impose a consent duration for municipal supply consistent with the most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit;
i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP).

HortNZ is supportive of enabling where possible large scale water storage projects and suggests if one was to proceed, it would require considerable investment, and would therefore reasonably seek a consent term of more than 15 years. It is suggested that a sub-section is included providing an exemption from the 15 years for water storage projects (similar to (h)).

Policy 51

When making water shortage directions under Section 329 of the RMA, occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order;

a) water for the maintenance of public health;
b) water necessary for the maintenance of animal welfare;
c) water essential for community well-being and health;
d) water essential for survival of horticultural tree crops;
e) uses where water is subject to seasonal demand for primary production;
f) uses for which water is essential for the continued operation of a business, except where water is subject to seasonal demand for primary production or processing. The following uses will not be authorised under a water shortage direction:
g) use of water not associated with the continued operation of a business or community well-being;
h) non-essential amenity uses such as private swimming pools and car washing.

Takes not subject to any restrictions are:

i) firefighting uses;
j) non-consumptive uses;

HortNZ supports the recognition of the need to enable water to be made available to irrigate horticultural tree crops to ensure their survival.

Policy 52

The Council will phase out over-allocation by;
a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020;
b) for applications in respect of existing consents due for expiry or when reviewing consents, to;
(i) allocate water according to demonstrated actual and reasonable need (except as provided for by Policy 50)
(ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards;
c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated;
d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020;
e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting;
f) prevent site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use;
g) enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups, consent or well sharing or global water permits;
h) enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.

HortNZ submits that the wording of a) needs to be amended to make it explicitly clear that new water is available for allocation from high flows. As outlined elsewhere in this submission, HortNZ does not support actual water being used as the basis for water re-allocation at this time given the raft of issues with the availability of accurate water meter data, and where it does exist, how accurately it reflects future water use. HortNZ submits that the focus should instead by on reasonable water needs – requiring amendments to the drafting of (b)(i). HortNZ supports the requirements for irrigators to operate at (or above) good management practice, however note that irrigation systems are designed to operate at a specific flow rate – the council cannot simply change the rate at which a system must operate – that would require considerable redesign and potentially redevelopment of irrigation infrastructure which is arguably not justified from an effects perspective. With regards to subsection (c), HortNZ questions what is hardship - some clarity around this should be provided to help water users understand whether or not they could seek some dispensation. HortNZ generally supports (d) but does provide some further comment on this in relation to TANK 7 and 8, and the need to provide water for irrigation of permanent horticultural crops during times of water restrictions. With regards to (f), HortNZ submits that this needs rewording – water permits that have not been used at all, should have lapsed, and therefore would not be available for transfer, and given HortNZ's arguments around the inappropriateness of needing to demonstrate actual use at this time, it follows that we submit that all water permits should be able to be

transferred (if they have been exercised) and the volume of water to be transferred is reasonable for its intended use.

Policy 53

When considering applications to take water for frost protection, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes;

a) from groundwater in the Heretaunga Plains Water Management Unit on;
(i) neighbouring bores and existing water users;.
(ii) connected surface water bodies;
(iii) water quality as a result of any associated application of the water onto the ground where it might enter water;

b) from surface water on;
(i) instantaneous flow in the surface water body;
(ii) fish spawning and existing water users;
(iii) applicable minimum flows during November to April;
(iv) water quality as a result of any associated application of the water onto the ground where it might enter water;

By;

c) taking into account any stream depletion effects of groundwater takes;
d) imposing limits in relation to minimum flows or groundwater levels;
e) requiring water metering, monitoring and reporting use of water for frost protection.

HortNZ submits that given the new understanding that all groundwater takes within HPWMU are having some effect on surface water bodies, what does a)(ii) actually require - the augmentation of flow? Given that frost protection generally occurs at times when flows in surface water bodies are well above minimum flows, the effects basis for any augmentation is questionable, and HortNZ submits it is not justified given the limited period of time frost protection occurs for. With regards to subsections (a)(iii) and (b)(iv), when water is applied for frost protection purposes, it is applied to the crop (ie. apples) to protect them – it is not applied onto the ground, although obviously there will be some fall of water on to ground. Rates at which water is applied for frost protection purposes relate to the severity of the frost event expected. Frost damage can result not only in damage to the crop for the coming season, but also productivity of crop in subsequent years. It is critically important that the ability of horticultural growers to take water for frost protection purposes is not unnecessarily impeded, and imposing any limitation in relation to minimum flows or groundwater levels would do this, therefore we suggest that (d) is deleted. Frost protection is only undertaken when necessary, based on the best available weather forecasts, and provisions must enable it.

Policy 54

When assessing applications to dam water and to take water from the dam impoundment, the Council will avoid, remedy or mitigate adverse effects of;

a) potential changes to water quality arising from subsequent changes to land use activities that may occur as a result of water being allocated for take and use from the dam and whether relevant freshwater quality objectives can be met;
b) the dam and any associated lake or reservoir, and any effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other storage structures or dams, on;
(i) the uses and values for any water body identified in the objectives or Schedule 25;

(ii) water levels and flows in connected water bodies, including lakes and wetlands;
(iii) water quality, including effects on temperature and management of periphyton in connected water bodies;
(iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;
(v) groundwater recharge;
(vi) downstream land, property and infrastructure at risk from failure of the proposed dam;
(vii) other water users;
(viii) downstream river bed stability, including through sediment transfer and management of vegetation in river beds;

c) whether there are practicable alternatives; and, except as prohibited by Policy 58, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with specified flow triggers.

HortNZ strongly supports provisions in the plan change that enable high flow water to be taken and stored for subsequent use. Notwithstanding that, HortNZ submits that the assessment of impacts on water quality in a policy that relates to applications to take and dam water is tenuous, and if considered a matter that needs to be considered, then should be addressed through a separate policy that relates to land use – it is not the use of water that has an impact on water quality, it is the nature of the land use on the land to which water is applied that has an impact on water quality, and it is important that this distinction is acknowledged. The justification for c) is also not clear, given that this policy relates to water permits, rather than discharge permits. There is no expectation in the RMA that an alternatives assessment is done for any type of activity other than a discharge permit, therefore HortNZ submits that this is deleted.

Policy 55

When assessing applications to take water for off-stream storage or to take water from the impoundment the Council will avoid remedy or mitigate adverse effects of;

a) potential changes to water quality arising from subsequent changes to land use activities as a result of water being allocated for take and use from the impoundment and whether relevant freshwater quality objectives can be met;
b) the magnitude, frequency, duration and timing of water takes either by itself or cumulatively with other storage structures or dams, on;
(i) the uses and values for any water body identified in the objectives;
(ii) water levels and flows in connected water bodies, including lakes and wetlands;
(iii) water quality, including effects on temperature and management of periphyton in connected water bodies;
(iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;
(v) groundwater recharge;
(vi) downstream land, property and infrastructure at risk from failure of the proposed storage structure;
(vii) other water users; and will limit the amount of flow alteration so that the taking of surface water does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that;
(viii) the high flow take ceases when the river is at or below the median flow;
(ix) such high flow takes do not cumulatively exceed the specified allocation limits;

(x) any takes to storage existing as at 2 May 2020 will continue to be provided for within new allocation limits and subject to existing flow triggers.

HortNZ submits that off-stream storage is by definition not connected to any other water body, therefore (b)(ii)-(iii) will not apply, and therefore don't need to be included in this policy. HortNZ also note in relation to (b)(ix) there are not specified allocation limits for all water bodies, and while HortNZ suggests that there could be, if this is not enabled within the plan, then the policy needs to be reworded to ensure that it is clear that high flow takes are not just restricted to the two catchments (Ngaruroro and Tutaekuri) for which allocation limits have been specified in Schedule 32. As noted above in relation to Policy 55, HortNZ submits that the assessment of impacts on water quality in a policy that relates to applications to water takes is tenuous, and if considered a matter that needs to be considered, then should be addressed through a separate policy that relates to land use – it is not the use of water that has an impact on water quality, it is the nature of the land use on the land to which water is applied that has an impact on water quality, and it is important that this distinction is acknowledged.

Policy 59

The Council will allocate 20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for the following activities;

a) contribution to environmental enhancement that is in addition to any conditions imposed on the water storage proposal;

b) improvement of access to water for domestic use by marae and papakāinga;

c) the use of water for any activity, provided that;

(i) it includes contribution to a fund managed by the Council in consultation with mana whenua; and

(ii) the fund will be used to provide for development of Māori wellbeing;

(iii) the contribution to the fund is proportional to the amount of reserved water being taken and any commercial returns resulting from the application

d) the development of land returned to a Post-Settlement Governance Entity (PSGE) through a Treaty Settlement. And in making decisions on applications to take and store this water the Council will;

e) require information to be provided that demonstrates how the activity will provide for Māori economic, cultural or social well-being;

f) have regard to the views of any affected PSGE or iwi authority arising from consultation about the application and any assessment of the potential to provide part, or all of the 20% high flow allocation;

g) have regard to any relevant provisions for the storage and use of high flow allocation water for Māori development in any joint iwi/hapū management plans relevant to the application (where more than one PSGE, iwi/hapū is affected, the iwi management plan must be jointly prepared by the affected iwi/hapū).

HortNZ submits that the flow allocation limit should be designed to mitigate impacts on the flow regime, consistent with the NPSFM. That being the case, HortNZ do not understand why compensation would be required. Usually compensation would only be paid, following a hierarchy of managing effects: avoid, mitigate, remedy, offset and then compensation. HortNZ are not opposed to a portion of the high flow allocation being reserved for Maori, and support transfers, to enable the water to be utilised in the case where Maori were not able to utilise the allocation, at the time. A payment can be made from one party to another, as part of the terms of a transfer, but this is a private financial arrangement and should not be guided by regional policy.

Policy 60

When making decisions about resource consent applications to take and store high flow water, the Council will take into account the following matters:

a) whether water allocated for development of Māori well-being is still available for allocation;
b) whether there is any other application to take and use the high flow allocation for development of Māori wellbeing relevant to the application;
c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application;
d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application;
e) whether there has been consultation on the potential to include taking and using all or part of the water allocated for Māori development into the application;
f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flow water allocated to Māori development is not appropriate or feasible, and the reasons why this is the case.

HortNZ submits that an amendment is required to make it clear that Policy 60 is only relevant to consideration of applications under Policy 59.

Rules

TANK 1

Many growers have raised questions about what the 10ha relates to – does that relate to effective area, title size, property size, enterprise size, area that they actively farm? HortNZ submits that this could be addressed by (throughout the plan change) using the term 'farm' instead of the terms 'farm properties' or 'farming enterprises'. We have proposed a definition in the Glossary section of this submission, which aligns with the definition of 'farm' set ou in the NES FW 2020.

TANK 3

HortNZ submits that where possible consistency with national regulations should be achieved where there may potentially be conflict. HortNZ also submits that a definition of 'active formed channel' needs to be included to aid interpretation and consistency of implementation of this rule. HortNZ notes that this is not consistent with approach taken in the Tukituki Plan Change, which arguably is not particularly helpful from a regional consistency perspective.

TANK 5

HortNZ submits that if collectives are genuinely to be enabled to help manage land use in an integrated way, then a) should be reworded to make the 'trigger' for consent a change in land use over more than 10% of the land area managed by the collective. This would create a genuine incentive for landowners to become part of collectives, and provide a degree of flexibility that would enable rotation of certain crops, that is necessary from a good management perspective for both soil health and disease management reasons, but also reflects the reality of the world in which we live in which customer preferences and trade arrangements, to name a few influences, change, and these have consequential impacts on what is grown across our landscape. To enable Hawke's Bay's horticultural sector to remain competitive, some changes in land use have to be enabled, and HortNZ believes this can be done, while simultaneously ensuring that water quality objectives/targets are met on a collective basis.

To aid interpretation of the suite of provisions that relate to production land use change (TANK 5, TANK 6, Schedule 29 and Schedule 30) HortNZ suggests that a definition for 'land use change' is included, and have set one out in the 'Glossary' section of this submission.

For assessing the water quality contaminant load associated with vegetable growing, the assessment framework must consider the full rotation (including inter-year variability) which for the process vegetable/arable rotations frequently grown in Hawkes Bay is approximately 5 years. The assessment must compare the vegetable rotation with all suitable highly productive land that the rotation will be able to rotate onto.

As discussed in our submission on Policy 21, we do not support the 'avoid' wording of 21d with regard to nitrogen, because in our view discretionary consents should be assessed against the full range of contaminants and potential impacts on the outcomes sought. However, we would support a matter of control within this rule reflecting the wording in policy 21 d.

TANK 6

HortNZ supports the proposed policy pathway for relatively small changes in land use where average annual nitrogen loss is within the loads provided for within Schedule 29. If, as we provide further detail on in relation to Schedule 29, the schedule was to be simplified and a standard N loss of, for example 250kgN permitted, then we submit that the rule would need to make clear that if a collective was being assessed under this rule, then the permitted loss could be added up for the number of farms that were part of the collective (ie. if 10 farms were part of a collective, then the permitted N loss would be 2500kgN).

HortNZ opposes the current wording of matter for discretion 1, as Schedule 29 does provide for a small increase in nitrogen, therefore requiring assessment against Policy 21 (which HortNZ opposes the current wording of) that seeks to 'avoid' land use change where water quality objectives and targets for dissolved nitrogen were not being met.

In addition to providing a consenting pathway for relatively small changes in land use that meet the increase in load criteria, we recommend an additional condition is added to enable a small area of vegetable expansion to occur, that is not subject to the load requirements in Schedule 29, or the avoid Policy 21d (noting again HortNZ's opposition to the current drafting of that provision). This increase is to enable vegetable rotations to expand to meet domestic food supply needs. This small increase would be tied to population growth, enabling a 10% increase in the existing footprint over 10 years. Any expansion over and above the 10% area constraint, would be likely serving increased export demand, and would be subject to the same water quality criteria as all other land uses. The vegetable rotations within the Hawke's Bay are relatively extensive including arable crops and pasture within rotations as well as vegetables. The water quality impact of enabling small scale land use change to provide for domestic food supply expansion will have a negligible impact on water quality outcomes.

New TANK6A required

HortNZ submits that an additional land use rule needs to be added to provide a clear consenting pathway for activities that do not comply with TANK6.

TANK 7 & 8

HortNZ generally supports the reduction of permitted water takes, however, growers have advised that historically, during periods of low flow when water permits linked to minimum flows have been unable to be used, many have relied on the permitted take of up to 20m^3 to irrigate horticultural tree crops to help them survive. This is a critically important use, that should continue to be enabled, therefore HortNZ submits that an exclusion is provided within both TANK 7 & 8. Such takes could be considered to be existing, because they have occurred prior to 2 May 2020, however as such takes are not ongoing, their status is not entirely clear, therefore HortNZ submits that an additional exclusion should be added to subsection b) takes up to 20 cubic metres per property per day to aid the survival of permanent horticultural crops. Another option would be adding to Schedule 31 a specific allocation of water that can be taken below minim flows solely for the purpose of providing for rootstock survival. This option is set out in more detail in relation to Schedule 31.

TANK 9 &10

As outlined elsewhere in this submission, HortNZ submits that the quantity of water taken and used for irrigation should be the reasonable amount – as determined based on the quantity specified on the expiring water permit, or Irricalc – whichever is the lesser, and include provision for root stock survival for the irrigation of tree crops. HortNZ's position on this is informed by the feedback of many, many growers who have expressed concern about issues with the availability of water meter data, which makes it impossible for them to demonstrate actual use. Alternatively, growers water use patterns have changed over time – for example orchard redevelopment that has seen a significant increase in the planting of shallower rooting stocks, has necessitated a requirement to irrigate less water, more regularly, because the shallower roots cannot access water as far down the soil profile. This necessitates a need to more accurately observe soil moisture levels, and irrigate as informed by that information – which has positive benefits from both a water use efficiency perspective, as well as a nutrient management perspective. Many growers have also emphasised that they did not use their highest volumes of water during the 2012/13 drought for a raft of reasons, including the stage of their crop development (ie. it did not require additional irrigation when conditions became dry, or in some cases, had already been harvested by then). What is meant by 'authorised major infrastructure developments over time' referred to in Subsection 2) of the matters for discretion is also unclear. Arguably orchard re-development is not necessarily 'authorised', or if it is, in many cases the 'authorisation' may be from the district council and relates to structures on the property, such as the unique and successful hydroponic berry farms established in multiple locations across the TANK catchments.

HortNZ supports the inclusion of the option to cease or reduce take when trigger level is reached, although questions why the cease take is not linked to the minimum flow? HortNZ submits that the inclusion of options is important, and while there are clearly advantages to joining a stream maintenance and habitat enhancement scheme, but this may not be possible or practical in every instance.

TANK 12

HortNZ opposes the proposed 'prohibited' status for new takes that don't comply with TANK 11, and strongly suggests that a status of non-complying would be more appropriate, given the substantial number of unknowns related to future water demand within the TANK Catchments. Arguably non-complying activity status is anticipated for exactly activities of that type – that are not necessarily anticipated at the time a plan is drafted, but it is inappropriate to prohibit – which HortNZ submits it is.

HortNZ also notes that the decision from the collaborative group on this matter was non-complying, rather than prohibited, activity status.

TANK 18

HortNZ questions the discretionary status of such applications, and suggests that this doesn't incentivise joining a stream flow maintenance and habitat enhancement scheme. A restricted discretionary status provides a slightly higher level of comfort for an applicant, and also through identification of matters of discretion, provides clearer guidance about what information needs to be provided in a consent application, which has material impacts on cost and time associated with preparing them.

TANK 19, 20, 22 &-23

HortNZ submits that the term rural building used across TANK 19 and 20 is too broad, and not defined therefore it is very difficult to understand what the impact of these rules will be on horticultural growers, who own many buildings in rural areas. With regards to the wording of Condition b) in TANK 19, unless a reticulated stormwater network is available, then an onsite stormwater discharge must occur – even until a planned network is constructed. Condition b) needs to be amended to reflect this.

RRMP 7

HortNZ submits that there needs to be an additional exclusion included in (f) where the clearance is necessary for biosecurity purposes. This rule change also effectively prohibits any cultivation of land within 5m-15m buffer zones (depending on slope) around waterbodies, which unduly compromises the development or redevelopment of permanent horticultural crops where headlands may be adjacent to waterbodies and may require cultivation on an infrequent basis to facilitate machinery movements.

RRMP 13

Clarity is needed about the period of time over which the limitation to 100m^3 applies – it is assumed it is at one time.

RRMP 32 & 33

HortNZ suggests given the low level of knowledge about the quality of drainage water that the proposed changes to the rule are deleted, and their inclusion revisited at the time the plan is reviewed. In addition, the following comments about the drafting of Rule 33A are offered: c) why is 10ha used as a threshold as arguably the quality of a discharge is not necessarily related to the area it drains. The volume of discharge would decrease, but if it's bad its bad, and should be subject to same quality standards as other discharges (Rule 33A). HortNZ also submits that there are potentially issues here where drains go through multiple properties and therefore management of land contributing to point of discharge is shared.

RRMP 62a

As currently drafted, the rule would be difficult to assess against – for example what does 'downstream' of affected stream mean in (d)(i). HortNZ submits that redrafting is required to aid interpretation.

Schedules

Schedule 26 - Freshwater Quality Objectives

The maps referred to in Schedule 26 are for large catchments, described as a freshwater quality management units. HortNZ submits that it is unclear if these freshwater quality management units are the equivalent to Fresh Water Management Units, as defined in the NPS Freshwater Management. It is also unclear where the target attribute states are to be achieved – if this is at all current monitoring locations, or at a subset of monitoring sites at a smaller sub-catchment scale. The maps would be improved by including the locations of the monitoring sites and the current attribute state at these sites, so it is clearer whether the outcomes sought are to maintain or improve water quality, and where this is required. HortNZ also notes that the wording of the proposed plan change refers to water quality objective and attribute state. The NPSFM 2020 includes new definitions, including the term 'target attribute states'. We recommend the wording in the plan is updated to align with the NPSFM 2020 wording.

Schedule 28 – Priority Catchments

As currently drafted, it appears that the only material impact of Schedule 28 is that it sets the priority in which farm plans need to be completed. The scale at which the priority applies is unclear, and it is critically important that this is clarified. The schedule refers to 'catchments', however, the accompanying maps that relate to the schedule (eg. Map 1. Priority Catchments Sediment Yield) maps at a more refined scale than a catchment although it is unclear what that scale is – is it sub-catchments? The scale at which the schedule is supposed to be applied needs to be really clear, and the terminology used consistent. It would also be helpful if it was explicitly stated what happens if a catchment has different priority 'ratings' for the different water quality issues identified in the table (ie. is high priority for sediment yield, but low priority for TN yield). It is assumed that if a farm is within a high priority area for any issue, then the farm plan must be completed within 3 years of the plan becoming operative, however it would be useful to clearly articulate that.

HortNZ also submits that the inclusion of 'a source protection zone' as a basis for identification as a priority catchment seems out of place, particularly given the level of protection and consideration that activities within source protection zones are afforded by other provisions proposed as part of the plan change, and the currently very large extent of Source Protection Zones (which HortNZ has raised concerns about in other sections of this submission). HortNZ submits that '5. Source Protection Zones' is deleted from this Schedule. References/links to the specific planning maps that identify the priority catchment must also be included for plan usability, even if the maps are updated as necessary to reflect changes in status. From a plan readability perspective, HortNZ also notes that it is not clear why the nutrients identified as high priorities in Schedule 28 have been selected? That should be clearly set out in an objective or policy of the plan.

Schedule 29 – Land Use Change

HortNZ submits that for consistency the term 'production land use change' should be used, and a definition of that term must be added to the plan (as noted in relation to TANK 6).

Overall we support the concept in this table, to the effect that land use change should be related to contaminant load. We suggest that the assessment could be simplified to provide a single load that all assessments are compared against, for example 250 kg.

HortNZ submits that for vegetable/arable crop rotations it is important that the values provided in this table, which are average annual values, are not used as maximum annual values. If the values were

treated as maximum annual values, it would reduce the baseline area of crop rotations by preventing inter-annual variability in crop area that is necessary to support plant and soil health within crop rotations.

If land use related N loss is to be maintained, the kiwifruit industry opposes the values included in Table 1 for kiwifruit and will provide updated nitrogen loss numbers for kiwifruit as part of evidence. HortNZ is also working to develop nitrogen loss numbers for vegetable rotations and will submit these numbers for inclusion into Table 1 (if it maintained) as part of evidence.

Schedule 30 – Landowner Collective, Industry Programme and Farm Environment Plan

HortNZ supports the intent of the plan change to recognise and enable growers to utilise industry programmes, such as the GAP schemes, to meet their farm plan requirements, and also support the idea of collectives working together to address local water quality and environmental objectives. However, as currently drafted Sections A and B of Schedule 30 that relate to both Catchment Collectives and Industry Programmes are confusing and difficult to follow, and HortNZ submits that they should be pulled apart, and the requirements for each (Collectives and Industry programmes) set out separately. It is HortNZ's view that the farm plan requirements should be consistent across all three avenues by which a landowner can complete them – as part of a collective, through an industry scheme, or individually.

HortNZ has invested a significant amount of time and money in the development of NZGAP, which is a certification scheme that provides assurance of the safe and sustainable production of fruit and vegetables in New Zealand. The scheme involves auditing by a third party, which provides a level of independence and robustness that not all industry schemes operating in New Zealand currently have, but is a cornerstone of the GAP schemes, which any grower exporting produce internationally must be part of. There are a number of GAP schemes including GLOBALGAP, NZGAP, Zespri GAP, and the GAP scheme/s to which a grower must be accredited are driven by markets.

In HortNZ's view, Industry Programmes provides an excellent means of farmers meeting the farm plan requirements, through recognition of plans they already have, to which an 'environmental management system' bolt-on can be added, which will meet the requirements of the TANK plan. This has been done in other regions of the country and worked really successfully, and HortNZ is of the view that enabling growers to utilise existing programmes that they are already part of will have multiple benefits – including that they are used to having to run their operations in accordance with the plans. Industry Programmes do not however provide a means of collectively managing the environmental effects of multiple properties/enterprises. A grower that is GAP accredited (so is part of an industry programme, and utilises that to meet their farm planning requirements), could also be part of a collective group – together with other landowners, who may or may not be GAP accredited. Alternatively a group of landowners that are all GAP accredited may choose to form a collective and work together to address the environmental effects of their operations, but that is unlikely to be the case in many instances, given the way that land uses are spread across the TANK catchments.

Collectives are about managing environmental effects of land use at a scale greater than an individual property, or farming enterprise level. As highlighted elsewhere in this submission, HortNZ strongly supports such collective action, as it allows the focus of members of the collective to be on addressing the most pressing environmental challenges within their area, which arguably will result in positive environmental improvements more quickly. Such schemes however do not necessarily need to be at the scale of a catchment – what is more important is that the members of the scheme have some relationship with each other, and are willing to work co-operatively with each other to address the water quality issues

that challenge their area. Groups that already exist, or that naturally form must be enabled to become collectives – irrespective of the extent of the geographical area that they cover. It is the collective nature of the action that should be the focus of this policy. HortNZ consequently requests that the collectives are referred to simply as 'collectives'.

It is also noted that it is not explicitly clear whose responsibility it is to complete a farm plan – particularly for land that is leased, which can sometimes be for very short periods of time (ie. one or two years) if a vegetable crop is grown on it, and can only be replanted there a couple of times before it needs to be rotated with an alternative crop for soil health and disease control reasons. It is important that expectations in relation to this are made clear.

Also – with regards to Section 2.3 that relates to the requirement for nutrient management plans to be completed where nitrogen concentrations (as detailed in Schedule 26) are not being met, greater clarity around the scale at which Schedule 26needs to be provided. Mapping the freshwater quality management units may in itself clarify the situation, because if for example the lowland tributaries were actually split into smaller units, and an assessment of whether or not the DIN objective/target in each smaller unit was provided, then the numbers of landowners that needed to have nutrient management plans completed would be smaller, however if the assessment remains at the 'unit' level, then the numbers requiring nutrient management plans could be significant, which raises questions about capacity and capability to complete these – particularly for horticultural growers. Currently limited numbers of horticultural growers have Overseer nutrient budgets therefore a large number would need to start the process of having a budget prepared from the beginning. The challenge that this would create for the nutrient budgeting sector from a capacity perspective, and the impact it could have on timing should not be underestimated, however it could potentially be addressed by refining the geographical scale at which the requirement applied. In any event, HortNZ is strongly of the view that it needs to be clarified.

Schedule 31 – Flow, levels and allocation limits

HortNZ opposes the proposed increase to minimum flow on the Tutaekuri River, as this is not based on requirements of aquatic ecosystems, which is what the minimum flows for all other rivers within the TANK catchments are. There are a large number of horticultural growers within the Tutaekuri Catchment, and a significant amount of development/redevelopment has occurred within the catchment in the last couple of years, therefore patterns of water use are likely to change, and the proposed increase could impact on the ability of growers to take water.

HortNZ also opposes any potential change to the location of the monitoring site for the Ngaruroro River (as denoted by 'Note 2' to the table). The current monitoring site has a significant historical record with flow statistics growers have built businesses around. The Council would need to demonstrate that the existing site is inappropriate for sound technical reasons and that the new site will not adversely affect existing reliability if a change in location was to be contemplated.

HortNZ also submits that a clear exemption from the allocation limits specified also needs to be included for water used for frost protection purposes – in a similar manner as has been done for water use that utilised stored water.

In addition, provision should be made to enable growers to continue to use a portion of their reasonable use allocation for root stock survival. We recommend a specific volumetric limit is set for root stock survival water. This sub-set of the allocation would be available below the minimum flow. In evidence we will demonstrate that by requiring most abstractions to cease at minimum flow and restricting irrigation of tree crops to a root stock survival volumetric limit, that the freshwater outcomes that the minimum flows

seek to achieve – for example flow variability to support ecosystem health, will continue to be supported, while also ensuring the survival of high value horticultural crops.

Schedule 32 – High Flow allocation

As clearly articulated throughout this submission, HortNZ is strongly of the view that the ability for growers to access and use water harvested during high flows is critical to the ongoing success of the horticultural sector in Hawke's Bay. HortNZ therefore supports the inclusion of provisions that allow for the abstraction of water at times of high flow. An inability to access such water would create a significant impediment to the survival of existing horticultural operations that have any development plans – including simply changing variety type to satisfy the changing demands of customers. It would also make the establishment of any new horticultural operations almost impossible –which would create a barrier to land use change that may be positive from a nutrient perspective. With that in mind, HortNZ submits that in addition to the Ngaruroro and Tutaekuri catchments, high flow allocation limits for the Karamu, and also the Ahuriri (if high flow storage within that catchment is feasible), are specified in the plan, to make it clear to growers the volume of water that is potentially available for such purposes. While water harvesting schemes in those catchments could potentially still be applied for under the proposed rule framework, it is not explicitly clear, and given that there is a limit to the volume of high flow water that can be abstracted, it is HortNZ's view that it would be better to have the volume available explicitly stated in the plan.

HortNZ also submits that the allocation limit for the Ngaruroro high flow take should be revisited. We understand that the TANK collaborative group did not reach a consensus position on the allocation limit and believe that the ability to make more water available through harvesting should be revisited, particularly in light of our understanding that a significant portion of the 8,000L/s currently provided for in the allocation has already been applied for.

Schedule 36 – Heretaunga Plains Stream Flow Maintenance and Habitat Enhancement Scheme

HortNZ supports a collective approach to the management of the stream depletion effects of groundwater takes. However, given the high level of uncertainty about how these schemes will actually come together, it is suggested that the content of Schedule 36 needs to substantially reduced, so that any issues that may occur as a result of the current level of prescription in the Schedule, on schemes whose shape and function are currently so unclear, are avoided.

While HortNZ acknowledges how successful the augmentation scheme established in the Twyford area has been, it does note that it cannot be expected that the same approach to scheme development, nor uptake will occur elsewhere within the TANK catchments, as the context in every case will differ, therefore it is critically important that the drafting of Schedule 36 provides the flexibility and adaptability that will be required to enable successful schemes to be set up, where feasible.

Glossary

Actual and Reasonable

The current drafting of the definition for actual and reasonable creates innumerable problems for horticultural growers therefore HortNZ seeks that subsection b) is deleted in its entirety, and subsection c) is amended by deleting subsection (i), and (ii) – which would effectively mean that the quantity became 'reasonable', rather than 'actual and reasonable' – largely because there is extraordinary difficulty for many growers in demonstrating actual use because of a lack of robust water meter data – either because water meters were not installed until recently[7], or water meter records that do exist are not entirely accurate as in many instances the finetuning of the meters to ensure accurate readings took some time. Given that the end of subsection (b) states that 'if insufficient or no accurate data is available, either clause a) or c) will apply' the relief sought by HortNZ is effectively anticipated by the current drafting of the definition. HortNZ also submits that the limitation to the irrigated area is unnecessary, and introduces an additional restriction that effectively penalises water permit holders that are using their water permits very efficiently. HortNZ accepts that the quantity of water allocated should not increase, however if a grower wishes to irrigate that quantity of water across a larger area, then they should be encouraged and enabled to do so, and the current drafting of the definition does not enable that. Fixing the irrigated area to what has occurred historically makes no sense from an environmental effects perspective, and could be perceived as creating a disincentive for water permit holders to achieve higher levels of water use efficiency. It is critical to the horticultural sector that water is available to irrigate land that is not currently irrigated because without it the establishment of new horticultural crops will be almost impossible, which as previously highlighted, would be detrimental to the ongoing sustainability of the horticultural sector across the TANK catchments. If the irrigation of additional land can be achieved within the volume of water that is specified on permits for renewal, or calculated using Irricalc, then HortNZ is strongly of the view that should be encouraged, and arguably would be consistent with the many provisions of this plan change that seek to encourage increased water efficiency.

HortNZ believes that at the time the plan is reviewed (within 10 years of this plan change becoming operative) it would be appropriate to reinstate the consideration of water meter data as one of the means of determining actual and reasonable use, as at that time, reliable water meter data would be available for all water takes. This approach would also be more in-keeping with the step-wise approach that has been adopted in this draft plan change in regards to nutrient loss, and this is an approach that HortNZ supports, and believes will more effectively enable changes in practices and behaviour of all water users.

Baseline Commercial Vegetable Growing Area – New Definition

To support HortNZ's proposed changes to TANK6 and definition for land use change, a definition for 'baseline commercial vegetable growing area' is required, and should be as follows: Means the maximum total aggregated area of land used for a commercial vegetable growing operation, including the full sequence of crops and pasture used as part of a rotation, in any 12 month consecutive period within the period of 1 May 2015 to 1 May 2020 and under the control (owned or leased) of a single farm. Inclusion of this definition is required to support HortNZ's proposed definition for land use change, that does not include the change in location of existing areas of arable and vegetable crop rotations. Flexibility in the area required for arable and vegetable rotations is necessary to support crop health and soil health, both of which are dependent on the ability to rotate crops across different properties over time.

[7] The water meter guidelines did not require takes of 5-10l/s to have water meters install on them until November 2016.

Commercial Vegetable Growing Rotation – New Definition

To support HortNZ's proposed changes to TANK6 a definition for 'commercial vegetable growing rotation' is required, and should be as follows: Means a sub-set of horticultural land use that involves crop rotation where the predominate purpose is growing, for the purpose of commercial gain, vegetable crops for human consumption, on one or more parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit but excludes vegetable crops grown under cover, and includes the full sequence of crops and pasture used as part of that rotation. It is a productive land use. The definition is required to support HortNZ's proposed amendment to TANK6, that would enable expansion of an existing Commercial Vegetable Growing Rotations area by 10%, to provide for domestic food supply.

Farm– New Definition

HortNZ submits that the terms property and farming enterprise are replaced throughout the plan with the term 'farm' which is defined as 'a landholding whose activities include agriculture'. This definition is aligned with the NESFW 2020 and therefore provides much greater clarity about who is responsible for FEPs and consenting requirements.

Land Holding – New Definition

HortNZ submits that a definition of 'land holding should be added, and should mean one or more parcels of land (whether or not they are contiguous) that are managed as a single operation. This definition would align with the NESFW 2020 and would therefore provide much greater clarity about who is responsible for FEP and consenting requirements.

Nitrogen Losses for Production Land – New Definition

HortNZ submits that a definition of 'nitrogen losses for production land' should be added, and defined as 'The modelled estimate of average annual nitrogen load, calculated for each farm. For a commercial vegetable growing rotation, the nitrogen loss estimate must include the full sequence of crops and pasture used as part of that rotation'. This definition improves clarity.

Production Land – New definition

HortNZ submits that a definition of 'production land' needs to be added, and that it should mean the following: A farm where all or part of the farm is (a) arable land use; or (b) horticultural land use; or (c) pastoral land use; or (d) other agricultural land use prescribed in regulations made under section 217M(1)(b); or (e) any combination of the above'. This definition is consistent with the definition of 'Farm' within the RMA 2020 amendment, however, is a better description of productive land, with 'farm' more usefully defined as it is in the NESFW 2020. HortNZ notes that several consequential amendments will need to be made to add further clarity in relation to this definition, including the addition of definitions of 'arable land use', 'horticultural land use' and 'pastoral land use', as set out in the 2020 RMA Amendment.

Production Land Use Change – New definition

HortNZ submits that a definition of Production Land use change needs to be added to the plan, and should be as follows: 'Any change from or to, arable, horticulture, pastoral or other agricultural land use, that is greater than 10ha, compared with the area of the farming activity at May 2020. Land use change does not include a change in the location of crop rotation where the baseline growing area is not exceeded

within a Freshwater Quality Management Unit'. This definition clarifies the extent to which the land use rules within the plan apply, as well as Schedule 29.

TANK Industry Programme or TANK Catchment Collective

As currently drafted, the definition doesn't really define what Industry Programmes or Catchment Collectives really are. In line with HortNZ's comments in relation to Schedule 30, we submit that the definitions should be separated, and the definitions revisited in light of refined drafting of the schedule.

Summary of relief sought

HortNZ seek the amendments set out in the table below, or amendments to like effect. We also note that there are likely to be consequential amendments arising from these that may affect the whole plan. Additions are indicated by underline, and deletions by strikethrough text.

Provision	Support/oppose	Decision sought	Reason
Obj TANK 4	Support with amendments	Amend the maps in Schedule 26 to show the location of monitoring sites.	The objective requires monitoring, and it would be clearer if the monitoring sites were identified in Schedule 26.
Obj TANK 7	Support with amendment	Amend to say "Land use is carried out in a manner reduces contaminant loss in accordance with good, or where necessary best management practice, including soil loss…"	Industry specific good management practices set out how contaminant loss should be managed, which provides clarity for plan users about how reductions can be achieved, but also recognises that some landowners may not need to make changes to their practices, as they are already operating at good management practice.
Obj TANK 8	Support with amendment	Amend to say 'is improved by ~~appropriate~~ management of riparian margins that ~~to~~: a) reduces effects of contaminant loss from land use activities etc……'	Clarifies intent of objective
Obj TANK 15	Oppose (g)	Delete specific areas specified in (g) to be restored and created, unless evidence can be provided that shows where these areas are, and that no adverse off-site effects will result from the work.	HortNZ is concerned that the goals of 200ha of restoration and 100ha of creation may not be achievable, taking into account the need for any such work to not have any adverse effects on neighbouring landowners.
Obj TANK 17	Support with amendment	Amend to clearly state that sub-sections a)-d) are not listed in any order of priority.	Clarifies objective.
Obj TANK 18	Support with amendment	Amend to state that sub-sections are in order of priority, and re-order to list as follows: a) Water harvesting and storage; b) Flexible water allocation and management regimes; c) ~~Aquifer recharge and~~ flow enhancement; d) Water conservation, water use efficiency, and innovations in technology and management; e) Water reticulation.	Clarifies objective by explicitly identifying where opportunities genuinely lie to secure the current and foreseeable water needs of future generations.
Policy 1	Support with amendments	Amend f) by adding 'and irrigation purposes'.	Recognises that maintenance of water quality is important for irrigation purposes also.

Policy 2	Support with amendments	Amend by adding 'landowner collectives' to the start of the policy, and add to the end of a)i) 'and biosecurity requirements of adjacent land use'	Specifically recognises that riparian planting projects need to take into account the biosecurity requirements of adjacent land use
Policy 4	Support with amendment	Amend by adding definition of 'lower Ngaruroro' and planning map outlining extent of area	Clarifies area to which policy applies.
Policy 6	Support with amendment	Amend by adding as subsection (b) 'requiring Registered Drinking Water Suppliers to quantify the vulnerability of the registered drinking water supply to contamination, and then undertake an assessment of options to relocate existing drinking water supplies to less vulnerable locations'.	Ensures that registered drinking water supplies are as appropriately sited as possible – taking into account need to avoid limiting productive land uses on the highly productive soils of the Heretaunga Plains.
Policy 7	Support with amendment	Amend by adding subsection e) as follows: require applications to include an assessment of the vulnerability of the location to contaminants from existing activities, and sites that are vulnerable are avoided where possible.	Ensures that registered drinking water supplies are as appropriately sited as possible – taking into account need to avoid limiting productive land uses on the highly productive soils of the Heretaunga Plains.
Policy 8	Support with amendment	Amend by adding an additional subsection to b) as follows: nature of existing land and water use within Source Protection Zone, existing investment in those activities, and the specific locational needs of those activities.	Ensures that registered drinking water supplies are as appropriately sited as possible – taking into account need to avoid limiting productive land uses on the highly productive soils of the Heretaunga Plains.
Policy 13	Support		HortNZ encourages HBRC to provide information about appropriate riparian planting asap, and to not wait until the provisions of this plan are finalised.
Policy 16	Support with amendment	Amend by adding a definition of 'flushing flow' to the plan	Clarifies impact of policy.
Policy 17	Support with amendments	Amend as follows: 'The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by working with landowners,	Clarifies and refines the policy.

		landowner collectives, industry groups, and other stakeholders and will implement the following measures; a) establishing programmes and processes through Farm Environment Plans, ~~Catchment~~ Landowner Collectives and Industry Programmes to ensure land managers; (i) adopt ~~industry~~ good management practice; (ii) identify critical source areas of contaminants at all relevant scales; (iii) adopt effective measures to mitigate or reduce contaminant loss where this is necessary to achieve good management practice; (iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen; And a definition of 'critical source area' is added to the glossary.	
Policy 18	Support with amendments	Amend as follows: 'The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by… c) regulating land use change to manage contaminant loss across a range of contaminants; e) working with industry groups, collectives, landowners and other stakeholders to undertake research and investigation into; (i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments; (ii) nutrient uptake and loss pathways at a property scale; (iii) measures to reduce contaminant losses at a property as well as catchment scale including those delivered through industry programmes and landowner collectives.	The community values and freshwater outcomes sought relate to a range of target attributes and contaminants. Regulation of land use should focus on achieving priority outcomes, rather than focusing on one indicator.
Policy 19	Support with amendments	Amend as follows: 'In catchments that do not meet objectives for dissolved ~~nutrients~~ nitrogen specified in Schedule 26, the Council will ensure landowners, landowner collectives and industry groups have nutrient	Consistent with Policy 17, however then may create inconsistency with Schedule 28 which would need to be addressed.

		management plans according to the priority order in Schedule 28.'	
Policy 21	Support with amendments	Amend as follows: 'The Council will remedy or mitigate the potential impact of ~~diffuse discharge of nitrogen on freshwater quality objectives by regulating~~ land ~~and water~~ use changes that modelling indicates are likely to result in increased contaminant loss (modelled on an average annual, whole of farm or collective basis) and in making decisions on resource consent applications, the Council will take into account: … a) contaminant losses modelled to result from the land use change, in relation to whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken; ~~and will;~~ ~~d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.~~ e) support crop rotation across highly productive land to maintain the soil health of highly productive land f) Recognise the importance of the TANK catchments for supplying vegetables for domestic food supply g) Support the transition to a low emissions economy by enabling land use change that reduces greenhouse gas emissions, improves sequestration and promotes climate change adaptation,	In our view the land use change policy should focus on managing all contaminants. In our view the land use change policy should also signal the positive effects that land use change can bring. Land use change is important for domestic food supply, climate change mitigation and climate change adaptation and enabling and promoting it requires some flexibility so increases in some contaminants can occur at the farm scale, provided at the FMU or collective scale the overall water quality outcomes across a range of values are achieved.
Policy 23	Support with amendments	Amend as follows: 'The Council will support the establishment and operation of ~~Industry Programmes and Catchment~~ landowner Collectives and: ~~a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers;~~	More accurately reflects the functional capability of industry programmes, and focuses policy at collective scale, rather than unnecessarily focusing at catchment scale.

		b) support development and use of ~~catchment scale~~ models that assist in identification and management of critical source areas; c) support ~~catchment~~ collective and farm scale decision making to meet freshwater objectives and encourage local solutions and innovative and flexible responses to water quality issues;…	
Policy 24	Support with amendments	Amend as follows: 'The Council will continue to work with landowners, industry groups and other stakeholders to manage land ~~and water~~ use activities so that they meet objectives for freshwater/aquatic ecosystems by: a) further supporting the development of Industry Programmes that contribute to meeting applicable freshwater objectives and that; ~~(i) identify practices that contribute to meeting applicable freshwater objectives;~~ ~~(ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses;~~ (iii) ensure individual performance under an Industry Programme is monitored; (iv) provide annual reports to the Council on progressive implementation of measures implemented by members ~~identified in Industry Programmes established under Schedule 30 and progress towards meeting applicable objectives for water quality~~; (v) promote adoption of good ~~industry~~ management practice; (vi) ensure that Industry Programmes are consistent with the requirements of Schedule 30; b) supporting landowners to establish ~~Catchment~~ landowner Collectives to develop and implement environmental management plans that contribute to meeting applicable freshwater objectives and that;	More accurately reflects the functional capability of industry programmes.

		(i) ~~identify and adopt measures at a property scale and~~ collectively ~~with other land managers that reduce contaminant losses or remedy or~~ mitigate the effects of land use on freshwater objectives; (ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses; (iii) ensure individual performance under a catchment collective is monitored; (iv) provide annual reports to the Council on progressive implementation of measures ~~identified in landowner collectives established under Schedule 30 and progress towards meeting applicable objectives for water quality~~; (v) promote adoption of good ~~agricultural~~ management practice; (vi) ensure programmes prepared by a collective are consistent with the requirements of Schedule 30; c) Approving any Landowner Collective or Industry Programme developed under Schedule 30; d) Auditing Landowner Collective or Industry Programmes where appropriate'.	
Policy 26	Support with amendment	Amend as follows': ~~Where individuals are members of a Catchment Collective or Industry Programme but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 30, or do not follow the agreed terms of membership the Council will;~~ ~~a) provide a conflict resolution service;~~ ~~b) where an~~ If a property/enterprise owner is not a member of a landowner collective or industry programme ~~individual is no longer, or is deemed through conflict resolution processes not to be, a member~~ the Council will; (i) require the development of a farm plan for that property within 6 months or;	Simplifies policy to make expectations clearer.

		(ii) require an application for a land use consent to be made; c) take appropriate enforcement action.	
Policy 27	Oppose	Move table to Schedule 30, and then delete remainder of policy in its entirety	Outcome sought would not be achieved by mechanism identified.
Policy 32	Support with amendment	Amend as follows: 'The Council will support the development of an Ahuriri Estuary Integrated Catchment Management Plan by a representative group of stakeholders, that includes (but is not limited to) representatives from the primary sector;	Highlights importance of any plan being put together by a group that includes representatives from all relevant stakeholder groups.
Policy 34	Support with amendments	Amend as follows: Council will meet regularly with ~~representatives from~~ a TANK stakeholder group~~s~~ that includes representatives from all relevant sectors of the community, and will discuss (as appropriate) matters relating to: a) ~~review and report on~~ ~~TANK~~ implementation of the TANK plan; b) issues arising within the TANK Catchments that could be addressed by future plan changes; c) progress towards freshwater objectives/targets; d) possible options for consideration at time of plan review. ~~and develop measures to enable their resolution.~~	Ongoing dialogue between the council and the community regarding the implementation of the plan change, and possible future approaches to catchment planning is important, and should be required by provisions of the plan, to ensure it occurs.
Policy 36	Support with amendments	Amend as follows: 'The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on… and will adopt a staged approach to groundwater management that includes; f) ~~avoiding further adverse effects by not allowing~~ restricting new water use g) encouraging water use efficiency ~~reducing existing levels of water use~~; h) gathering information about actual water use and its effects on stream depletion;	Ensures consistency with other sections of the plan.

		~~h~~i) where practicable mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) ~~gathering information about actual water use and its effects on stream depletion;~~ j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures.	
Policy 37	Support with amendments	Amend as follows: In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit based on reasonable use ~~of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017~~; b) ~~avoid~~ restrict the re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body to primary production purposes, or for use in stream flow maintenance and enhancement schemes~~. until there has been a review of the relevant allocation limits within this plan~~; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; (i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; (ii) apply an assessment of ~~actual and~~ reasonable use (using Irricalc) ~~that reflects land use and water use authorised in the ten~~	Avoids the policy being unnecessarily restrictive, given that our knowledge about what a sustainable groundwater limit might be is still incomplete.

		~~years up to August 2017 (except as provided by Policy 50)~~; e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes.	
Policy 38	Support with amendments	Amend as follows: 'The Council will ~~restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020~~ and will review permits or allocate water according to the plan policies and rules either: a) upon expiry of the consent; or b) in accordance with a review of all applicable permits within ten years of; whichever is the sooner.'	Avoids unnecessary restriction on who water can be 're-allocated' to.
Policy 39	Support with amendments	Amend as follows: 'When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will: a) either; (i) require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or (ii) enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; 1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and 2. improve oxygen levels and reduce water temperatures; b) assess the relative contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and ~~c) enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed,~~	Given the uncertainty about how and when stream flow maintenance and habitat enhancement schemes, it is considered prudent to delete some of the unnecessary detail from this policy.

		~~in the order consistent with water permit expiry dates.~~	
Policy 41	Oppose	Amend as follows: The Council will <u>further consider the option of remedying</u> the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through: a) further investigating the environmental, technical, cultural, <u>social</u> and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes;…	Does not unnecessarily commit the TANK community to a scheme that may not be, on balance, in the best interests of the community.
Policy 47	Support with amendments	Amend as follows: 'When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: a) ensuring that the technical means of ~~using~~ <u>use of</u> water are physically efficient through; (i) allocation of water for irrigation end-uses based on soil, climate and crop needs; (ii) ~~requiring the~~ adoption of good <u>management</u> practice water use technology and processes that minimise the amount of water ~~wasted~~ <u>lost from the soil profile</u>; and (iii) the use of water meters; A definition of 'application efficiency' is added that states: <u>"80% of applied water is retained within the crop root zone, after an irrigation event and/or for the irrigation season."</u> A definition of 'distribution uniformity' is added that states: <u>"Distribution uniformity is a measure of how evenly water is applied to the ground. It is calculated using the low quarter distribution uniformity coefficient DUlq"</u>	Better aligns the policy with terminology as used within the irrigation industry.
Policy 48	Support with amendments	Amend as follows: 'When considering any application to change the water use specified by a water permit, or to transfer a	Protects water for primary production uses.

		point of take to another point of take, to consider:… g) declining applications for a change of use from frost protection to any other end use except primary production;	
Policy 49	Support with amendments	Amend as follows: 'When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in: j) except where an application is to take and use water storage projects, consent durations of greater than 15 years will be considered and may be granted if a longer consent term is justified on the basis of the quantum of investment required to construct the scheme.	Provides necessary flexibility if large scale water storage is found to be a viable option within the catchment.
Policy 51	Support		Recognises the importance of irrigating horticultural tree crops during extended dry periods.
Policy 52	Support with amendments	Amend as follows: The Council will phase out over-allocation by; a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020, and high flow water provided for by this plan); b) for applications in respect of existing consents due for expiry or when reviewing consents, to; (i) allocate water according to ~~demonstrated actual and~~ reasonable need (except as provided for by Policy 50) (ii) impose conditions that require ~~efficiency gains to be made, including through altering the~~	Ensures that new water from high flow allocations can be accessed, and makes policy more practically appropriate in its application

		~~volume, rate or timing of the take and requesting~~ information to verify efficiency of water use relative to industry good management practice ~~standards~~; c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated; d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020; e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting; f) prevent site to site transfers of allocated but unused water that does not meet the definition of ~~actual and~~ reasonable use; …	
Policy 53	Support with amendments	Amend as follows: 'When considering applications to take water for frost protection, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes; a) from groundwater in the Heretaunga Plains Water Management Unit on; (i) neighbouring bores and existing water users;. (ii) ~~connected surface water bodies;~~ ~~(iii) water quality as a result of any associated application of the water onto the ground where it might enter water;~~ b) from surface water on; (i) instantaneous flow in the surface water body; (ii) fish spawning and existing water users; (iii) applicable minimum flows during November to April; ~~(iv) water quality as a result of any associated application of the water onto the ground where it might enter water;~~ By;	More appropriately reflects the limited scope of any effects that do occur as a result of frost protection takes.

		~~c) taking into account any stream depletion effects of groundwater takes;~~ d) imposing limits in relation to minimum flows or groundwater levels; e) requiring water metering, monitoring and reporting use of water for frost protection.	
Policy 54	Support with amendments	Amend as follows: 'When assessing applications to dam water and to take water from the dam impoundment, the Council will avoid, remedy or mitigate adverse effects of; a) ~~potential changes to water quality arising from subsequent changes to land use activities that may occur as a result of water being allocated for take and use from the dam and whether relevant freshwater quality objectives can be met;~~ b) … ~~c) whether there are practicable alternatives; and, except as prohibited by Policy 58, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with specified flow triggers.~~	More appropriately reflects the water take focus of the policy.
Policy 55	Support with amendments	Amend as follows: 'When assessing applications to take water for off-stream storage or to take water from the impoundment the Council will avoid remedy or mitigate adverse effects of; ~~a) potential changes to water quality arising from subsequent changes to land use activities as a result of water being allocated for take and use from the impoundment and whether relevant freshwater quality objectives can be met;~~	More appropriately reflects the water take focus of the policy, and the fact it relates to off-stream dams, which have less effects than in-stream dams.

		b) the magnitude, frequency, duration and timing of water takes either by itself or cumulatively with other storage structures or dams, on; (i) the uses and values for any water body identified in the objectives; ~~(ii) water levels and flows in connected water bodies, including lakes and wetlands;~~ ~~(iii) water quality, including effects on temperature and management of periphyton in connected water bodies;~~ ~~(iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment;~~ ~~(v) groundwater recharge;~~ (vi) downstream land, property and infrastructure at risk from failure of the proposed storage structure; (vii) other water users; and will limit the amount of flow alteration so that the taking of surface water does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that; (viii) the high flow take ceases when the river is at or below the median flow; (ix) such high flow takes do not cumulatively exceed the specified allocation limits; (x) any takes to storage existing as at 2 May 2020 will continue to be provided for within new allocation limits and subject to existing flow triggers.	
Policy 59	Support with amendments	Amend as follows: 'The Council will allocate 20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for the following activities; … ~~c) the use of water for any activity, provided that;~~ ~~(i) it includes contribution to a fund managed by the Council in~~	Removes from regional policy financial arrangements that are a private matter.

		~~consultation with mana whenua; and~~ ~~(ii) the fund will be used to provide for development of Māori wellbeing;~~ ~~(iii) the contribution to the fund is proportional to the amount of reserved water being taken and any commercial returns resulting from the application~~ …	
Policy 60	Support with amendments	Amend as follows: 'When making decisions about resource consent applications to take and store high flow water <u>in accordance with Policy 59</u>, the Council will take into account the following matters:…'	Clarifies relevance of policy
TANK 1	Support with amendments	Amend by replacing (throughout plan) terms farm property/farming enterprises with term 'farm.	Improves clarity of plan and aligns definition with NESFW 2020.
TANK 3	Support with amendments	Add definition of 'active formed channel' to plan	Improves clarity of plan
TANK 5	Support with amendments	Amend as follows: 'a) Any change to the production land use activity commencing after 2 May 2020 is over more than 10% of the ~~property or farming enterprise~~ <u>total</u> area <u>of land managed by the landowner collective</u>'. Matter for control (1) is amended as follows: Modelling using Overseer, or alternative model approved by Council to demonstrate the change in land use activity will be consistent with avoiding land use change that will result in increased <u>annual average</u> nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met. Additional Matter for control is added: <u>(8) The crop rotation and spatial extent of the rotation with the FMU.</u> A definition of 'production land use change' is also added.	Genuinely incentivises landowners to join collectives, and also improves clarity of the plan. \ Vegetable rotations need to be consented as a crop rotation area that can move across the FMU Assessments must be for the average annual discharge load over the full duration and including the full sequence of crops and pasture. For commercial vegetable rotations we have proposed a 5 year rotation for the baseline assessment. For land use change, the assessment could be over a longer rotation, if that is what the activity requires.
TANK 6	Support with amendments	Amend Condition b) by adding the following to the end of the	Where farmers and or growers are operating

		condition: 'per farm or cumulatively for collectives. Add a new condition: d) or an increase in area of the existing commercial vegetables growing area by up to 10%, assessed at either the farm or collective scale. Additional Matter for control is added: (10) The crop rotation and spatial extent of the rotation with the FMU.	within collectives, we propose they should be able to combine the load allowance per farm to provide greater flexibility for collectives. Enables a small expansion of vegetable rotations aligned with population growth that is not subject to the nitrogen loss criteria within Schedule 29, which is important to help secure the domestic vegetable supply.
TANK6A	Support	Insert new rule that provides a clear consenting pathway for activities that don't comply with TANK6. The activity status for this should be discretionary.	A discretionary pathway is required to provide for land use change that doesn't comply with the other land use rules. land use change that would result in an increase in nitrate that exceed schedule 29, should be assessed as discretionary activity, and could be approved if it was consistent with the overall policy, for example resulted in significant reductions in greenhouse gas emissions and *E. coli*, and did not prevent outcomes associated with nitrate discharges being achieved.
TANK 7 & 8	Support with amendment	Amend to include a specific exemption for the ongoing abstraction of up to 20m^3 if water is abstracted for the purpose of assisting the survival of permanent horticultural crops.	Critical to ensure survival of permanent horticultural crops.
TANK 9 &10	Support with amendments	All references to 'actual and reasonable' are amended to just be to 'reasonable'. An additional matter of discretion is added as follows: 'The effects of any take and use for root stock survival on flows in connected surface water bodies.	Consistency with rest of plan

TANK 12	Oppose	Amend status to be 'non-complying'	Provides an opportunity for applications to be considered on a case by case basis, and decided on their merits.
TANK 18	Oppose	Amend status to be 'restricted discretionary'	Provides greater clarity about matters to be considered in processing applications, and also incentives development of schemes more effectively.
RRMP 7	Support with amendments	Add exclusions to rule that allow the clearance of indigenous vegetation where it is required for biosecurity purposes, and also allow cultivation within setbacks where it is intermittently required for soil health and operational needs.	Enables intermittent activities that are critical to growing operations to continue to occur unimpeded.
RRMP 13	Support with amendments	Amend by adding '<u>at any one time</u>' to end of (j).	Clarifies rule.
RRMP 32 & 33	Oppose	Amendments to 32 and 22 are deleted	Will enable information to be gathered that can inform decisions about need for any (future) regulation.
RRMP 62a	Support with amendments	Amend by deleting (d)(i) (related to groundwater takes in HPWMU). Delete (f). (h) is amended to refer only to 'reasonable'	Improves clarity of rule.
Schedule 26	Support with amendments	Add the location of the monitoring and information on the existing state.	Improves understanding on whether the target attribute state is seeking to be maintained or improved
Schedule 28	Support with amendments	Amend by deleting '~~5. A source Protection Zone'.~~' Amend catchment names to make clear the relationship of these catchments to other catchments identified in the plan Amend catchment maps to ensure that contaminant loads discharged from upstream are not double counted, and the land that is captured by the risk categories represents the contribution of catchment to loads at the sub-	Improves coherence and clarity of schedule.

		catchment and whole of catchment scales.	
Schedule 29	Support with amendments	Amend by adding definition of 'production land use change' to plan. State single N loss load applicable to all land uses and locations, however if current approach is maintained, update kiwifruit and vegetable rotation numbers and other crops, in accordance with evidence HortNZ will submit at hearing.	Improves clarity of schedule, and accuracy of triggers specified. Adopting single permitted load would reduce the complexity of the approach and is not warranted from an effects perspective.
Schedule 30	Support with amendments	Amend by redrafting and splitting out requirements for landowner collectives and industry programmes. Whose responsibility it is for completing farm plans is made explicitly clear.	Clarifies requirements relating to farm plans.
Schedule 31	Support with amendments	Amend minimum flow for Tutaekuri River to 2,000l/s. Delete Note 2. Add volume with root stock survival volume/allocation that can be abstracted below minimum flow.	Proposed increase is not justified from an environmental effects perspective, nor is change in location of monitoring point Addition of root stock survival allocation will enable protection of valuable permanent horticultural crops during periods of low flows.
Schedule 32	Support with amendments	Amend by adding allocation frameworks for the Karamu and possibly Ahuriri Catchments (depending on feasibility), and revisit allocation for Ngaruroro.	Improves clarity of schedule.
Schedule 36	Support with amendments	Amend schedule by deleting substantial amount of detail	Ensures schedule will retain flexibility necessary to enable establishment of schemes, in range of contexts
Definition of 'actual and reasonable'	Oppose	Amend by just referring to 'reasonable' - <u>and in relation to applications to take and use water is the lesser of:</u> <u>a) the quantity specified on the permit due for renewal or any lesser amount applied for; or</u>	Reliance on water data is fraught with innumerable problems, therefore the simplest and fairest approach is, with this first stage of improvements to freshwater management, move all water permit

		b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply.	holders to the lesser volume of either their expiring permit, or Irricalc volume. This is fair and equitable. The current definition can and should be reinstated at the time of plan review in 10 years when everyone will have water meter records that are reliable, and at that time, reductions can and should be made if only small amounts of allocated volumes have been taken (taking into account development phases, and climate).
New definition added for 'baseline commercial vegetable growing area'	Support	Insert definition as follows: 'Means the maximum total aggregated area of land used for a commercial vegetable growing operation, including the full sequence of crops and pasture used as part of a rotation, in any 12 month consecutive period within the period of 1 May 2015 to 1 May 2020 and under the control (owned or leased) of a single farm'.	Required to support amendments sought to TANK6.
New definition added for 'commercial vegetable growing rotation	Support	Insert definition as follows: ' is a sub-set of horticultural land use, and means a crop rotation where the predominate purpose is growing, for the purpose of commercial gain, vegetable crops for human consumption, on one or more parcels of land held in single or multiple ownership (whether or not held in common ownership) that constitutes a single operating unit but excludes vegetable crops grown under cover, and includes the full sequence of crops and pasture used as part of that rotation.	Required to support amendments sought to TANK6.
New definition added for 'farm'	Support	Insert definition as follows: 'a landholding whose activities include agriculture'.	Consistency with national definition.

Definition of 'Farming enterprise'	Oppose	Delete and replace with term 'farm as defined above.	Consistency with NESFW 2020 .
New definition added for 'land holding'	Support	Insert definition as follows: 'one or more parcels of land (whether or not they are contiguous) that are managed as a single operation'.	Consistency with NESFW 2020
New definition added for 'nitrogen losses from production land'	Support	Insert definition as follows: 'The modelled estimate of average annual nitrogen load, calculated for each farm. For a commercial vegetable growing rotation, the nitrogen loss estimate must include the full sequence of crops and pasture used as part of that rotation'.	Aids clarity of land use provisions.
New definition added for 'production land'	Support	Insert definition as follows: 'A farm where all or part of the farm is (a) arable land use; or (b) horticultural land use; or (c) pastoral land use; or (d) other agricultural land use prescribed in regulations made under section 217M(1)(b); or (e) any combination of the above'.	Clarifies what production land is.
New definition added for 'production land use change'	Support	Insert definition as follows: 'Any change from or to, arable, horticulture, pastoral or other agricultural land use, that is greater than 10ha, compared with the area of the farming activity at May 2020. Land use change does not include a change in the location of crop rotation where the baseline growing area is not exceeded within a Freshwater Quality Management Unit'.	Clarifies application of Schedule 29.
Definition of 'TANK Industry Programme or TANK Catchment Collective'	Support with amendments	Amend by separating definitions, and aligning with redrafted Schedule 30.	Clarifies definitions.

Conclusion

As noted in the introduction to this submission, HortNZ fundamentally supports the general approach of the TANK Plan Change, and believe that it strikes a reasonable balance between seeking to improve the quality and quantity of the TANK catchments freshwater resources through a range of different regulatory requirements, and ensuring that those who rely on water can continue to use it. The plan allows time for practice changes in relation to land use to be made, however as the plan change is currently drafted, a similar stepwise approach to the management of water abstraction is not, in HortNZ's view genuinely enabled.

Achieving water security is critical to the sustainability of the horticultural sector in the TANK catchments, and more broadly in Hawke's Bay. HortNZ has identified in this submission a range of amendments that we consider are necessary to enable that water security to be achieved. Enabling some flexibility in land use change is also fundamental to a productive horticultural industry within the catchments, and amendments are also required to the plan to enable that. HortNZ believes that if the amendments sought are incorporated into the plan change, then the significant regional and national value of fresh water use for production and processing of beverages, food and fibre will be recognised, as is required by the regional policy statement.

HortNZ thanks all those involved in the development of Plan Change 9 to date, noting the significant time that many stakeholders have given to assist the work of the collaborative group, and HortNZ looks forward to ongoing conversation with all relevant parties to produce an operative plan that ensures the sustainability of Hawke's Bay's significant horticultural sector going forward.

SUBMISSION ON HBRC'S PROPOSED TANK PLAN CHANGE

Name	Derek Huata
Postal Address	1 Maraekakaho Road RD5 Hastings 4175
Email Address	jojofaefae@gmail.com
Phone number	0211594619
Mana Whenua propriatory rights and interests	Takitimu Māori Council opposes The HBRC proposed Tank Plan Change which does not include 1. Mana Whenua's Propritory Rights & 2. Mana Whenua's Interests

My name is Wi Derek Huata King, Chairman of the Takitimu Māori Council

The HBRC proposed plan change has never acknowledged the Takitimu Māori Council's property rights nor our interests in the water. The Takitimu Māori Council is the region that sits on the NZ Māori Council under the Community Development Act for this area.

Hira Huata of Mangaroa Marae lodged the WAI claim for the Heretaunga Aquifer in 2012 as part of the whole claim for the ownership for Māori of their waters in Aotearoa. Since then Māori across the country have achieved propriatory rights and interests.

$17 billion a year of profit is made from aquifer waters in Aotearoa. The Heretaunga Aquifer is the biggest in the North Island which provides huge economic welfare for many of those in TANK .

Within the TANK forum the meetings have not been safe for, hapū, marae and the iwi of Ngāti Kahungunu ki Heretaunga as TANK lacks the integrity and recognition of the whakapapa, rangatiratanga and wellbeing of Mana Whenua, that meetings have been manipulated through railroading processes that DENY all hapū communities, all marae communities;

1. Their mana whenua's fiscal interests that's owed and long overdue since 2014
2. The best opportunities for mana whenua's financial wellbeing

None of these are addressed in this HBRC's TANK Plan Change.

In the past years, many of those businesses, farmers, orchardists and wineries on TANK have been given millions of dollars of financial support by HBRC the HBRIC to set up infrastructures based on racism to destroy our waterways of Mana Whenua, for their own financial gain, while Māori are denied these financial opportunities This plan change allows this systemic racist practise to continue that deny mana whenua's human rights especially to equal opportunities, financial opportunities and our visions for our future.

The resource consents mandated by HBRC under the RMA had usurped mana whenua's rangatiratanga.

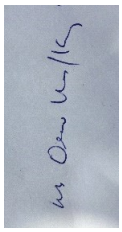
Takitimu Māori Council also lodged affidavits to the NZ Māori Council to the Waitangi Tribunal in 2016 how the HBRC and the HBRIC had usurped mana whenua rights in the Makaroa river in the Ruataniwha area where the proposed Ruataniwha was going to destroy one of HB pristine rivers where HBRC and HBRIC made under minded deals with DOC to negotiate the destruction of the Makaroro river and native fauna and flora as well as native species of pekapeka-native bat and the huge damage that would've had detriment to our environment and waterways. The claimants that lodged their affidavits with the Takitimu – NZ Māori Council to the Waitangi Tribunal in 2016 were

1. Hira Huata of Mangaroa Marae Ngāti Rahungaiterangi, Ngāti Pāhu, Ngāti Pouwharekura
2. Adele White & Ngaio Teuka, Ngāti Kahungunu Iwi Incorporated
3. Jenny Mauger Marine Biologist, Ngāti Upokoiri
4. Marei Nepe-Apatu Heretaunga Taiwhenua
5. Robert McDonald- Waimarama marae

These whānau have also lodge submissions opposing the HBRC 's Tank Proposed Plan Change along with our other leader organisations and Takitimu Māori Council also support their stand.

I wish to talk on my submission

Wi Derek Huata-King



SUBMISSION ON HBRC'S PROPOSED TANK PLAN CHANGE

Name	Obrana Te Hira Huata Chair/Co-chair of Mangaroa 1 Raukawa Road Bridge Pā
Postal Address	1 Maraekakaho Road RD5 Bastings 4175
Email Address	hirahuata@gmail.com, hirahuata@hotmail.com, hira.huata@wanaga.ac.nz
Phone number	0279340221
Atuatanga Kaitiakitanga Rangatiratanga Manaakitanga	Mangaroa Māori Committee opposes The HBRC Proposed TANK Plan Change which undermines our Atuatanga, our Kaitiakitanga, our Rangatiratanga and our Manaakitanga

Heretaunga Mānia – Heretaunga Ararau – Heretaunga Haukūnui – Heretaunga Takotowai

Hāro Te Kaahu – Takoto noa

My name is Obrana Te Hira Huata –

Chairman of Mangaroa Māori Committee Mangaroa marae , 1 Raukawa Road Bridge Pā

Rep for Ngā Marae o Heretaunga on TANK 2014

I totally oppose the HBRC's Proposed TANK Plan Change on behalf of Mangaroa Māori Committee and Ngā Marae o Heretaunga as it presents too much racial inequality and disparity against mana whenua and undermines our principles, values, rights and interests in our waters, air and land. These principles were mandated by Ngāti Kahungunu Iwi Incorporated 2013 and this plan change undermines our principles of:

1. **ATUATANGA – Divine Wellbeing – Atua, Karakia, Tapu/noa, Tikanga, Kawa, Whakapapa**
   The HBRC's Proposed TANK Plan Change does not include nor demonstrate the ATUATANGA o Te Haukūnui o Heretaunga. It excludes our Mana Atua of all the rivers, streams, waterways and all the waters of Heretaunga Haukūnui. It excludes our whakapapa.
   The HBRC's Proposed Tank Plan Change also totally ignores the Atuatanga o Te Mana Whenua o Heretaunga, namely all marae and hapū of Heretaunga Ararau.
   We have Atua of our lands, waters, air and all environments , we also have ancient whakapapa genealogy to these atua of our lands, air, waters and environments where this plan change totally omits our Atuatanga, thus discriminating against mana whenua and undermining our geneology, our beliefs and spiritual values.
   This omittance, this discrimination against our Atuatanga and the undermining of The Atuatanga o Mana Whenua o Heretaunga in this HBRC's Proposed Tank Plan Change , also highlights the systemic racial discrimination and racial disparity created through their processes within this plan change to increase the water take for the wealthy while mana whenua's rights and interests in the say of that water take is usurped in this evil plan change .
   A classic example of racial discrimination has been the demise of mauri and life force of the waters in Bridge Pa and the Paritua-Karewarewa river has been hugely and grossly destroyed by years of abuse by the over allocation of water to some members on the TANK organisation. Some of those on TANK have had financial interests supported by the HBRC and the HBRIC, and given financial support and leverage which has caused huge destruction of our waters and waterways, destroying the ATUATANGA of our river , leaving the hapū of

Bridge Pā to suffer without water in their awa. The new plan change does not recognise nor respect the ATUATANGA of the mana whenua, our kaumatua, our rangatira, our kaitiaki, our hapū, nor marae communities.

- KAITIAKITANGA – Centuries of Mana Whenua's Divine Kaitiaki Knowledge
  The HBRC's Proposed TANK Plan Change does not acknowledge the KAITIAKITANGA of Mana Whenua over our waters. The principle of Kaitiakitanga has its origins from Atuatanga where our guardians maintain the balance in the universe set by the atua. The plan change does not give respect to the mātauranga Māori of our Kaitiakitanga. There are no references to our Taniwha, our Kaitiaki, our Apakura, our Guardians nor is there any acknowledgement of our kawa of Ngāti Kahungunu, of our tikanga of Ngāti Kahungunu and our maramataka o Heretaunga. Nor is there any reference in the plan change that recognises mana whenua as the kaitiaki of the waters of Heretaunga. Again the hidden systemic racism prevalent in this plan change denies Māori rights and interests in our kaitiakitanga over our waters, land, air and environments. There was no consideration for the appropriate karakia or tikanga Māori practises with the increase take of water in this plan change. There is no measure of protection of the mauri o te wai demonstrated in the increased water take in the plan change.
  The HBRC's Proposed TANK Plan Change has no understanding of Kaitiakitanga from Mana Whenua. Mana whenua have guardians in the heavens, in the air, in the waters, in the rivers, in the aquifer. The plan change knows nothing on the kaitiakitanga of Pania, of Moremore and Tuhinapo, our kaitiaki in Ahuriri. The plan change gives no acknowledgement to our kaitiaki Takaparata and Karukaru of the Ngarururoro and Awa o Te Atua. Heretaunga is my guardian, is my ūkaipō. Kahurānaki is my kaitiaki maunga, Heretaunga aquifer is my kaitiaki waters. The application of science research within the plan change usurps the kaitiaki knowledge of mana whenua discriminating against Māori.

- RANGATIRATANGA Rights, Interests and decision making
  The HBRC's Proposed TANK Plan Change does not acknowledge nor is inclusive of the rangatiratanga of the hapū and marae communities in Heretaunga. Our rights to make decisions on the take and allocations of our waters within this plan change have been ignored. TANK is not safe for mana whenua groups to participate under. TANK is a tauiwi acronym, creating many constraints on Māori rights and interests in our rangatiratanga of our waters and waterways. These constraints are designed to disenfranchise and disempower hapū, marae and the iwi o Ngāti Kahungunu ki Heretaunga. These same constraints on mana whenua are also practised within the HBRC. This HBRC's Proposed TANK Plan Change is a scam nui.

- MANAAKITANGA
  The HBRC's Proposed TANK Plan Change demonstrates a huge lack of Manaakitanga to our Haukūnui o Heretaunga and the lack of Manaakitanga to our mana whenua. $17 billion a year of profit is made from aquifer waters in Aotearoa. The Heretaunga Aquifer is the biggest in the North Island which provides huge economic welfare for many of those in TANK. The current plan change discriminates against the Manaakitanga to mana whenua as

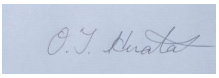
1. our fiscal interests in the waters are owed and ignored.
2. The best opportunities for mana whenua's financial wellbeing are discriminated against

3. Our visions for the well being of the aquifer waters and waterways are negligent in the proposed plan change.
4. Our waters are over allocated within this plan change

Because the HBRC's Proposed TANK Plan Change excludes our Atuatanga, our Kaitiakitanga, our Rangatiratanga and our Manaakitanga I oppose this disgraceful proposal.

I wish to speak to my submission

Obrana Te Hira Huata

 14-08-20

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1 Maraekakaho Road,
R.D.5
Bridge Pa
HASTINGS
Email: huiawaiaroha@gmail.com
9th August 2020

To: Hawkes Bay Regional Council

Submission to the Proposed Plan Change 9 TANK

Tēnā koutou,

Ko Mangaroa te marae
Ko Hikawera tuarua te wharenui
Ko Hinetemoa te wharekai
Ko Kārewarewa me Paritua ngā waiū
Ko Takaparatā te taniwha
Ko Ngāti Rahunga I te Rangi te hapū
Ko Ngāti Kahungunu te iwi
Tihei Mauri Ora

My name is Huia Libya Huata Huata. My mother is Hinemihi Huata who married Rana Huata. Her mother is Parewānui Marsh and her mother was Akarana Keriana Tipuna Edwards who held manawhenua over the Mangaroa Whenua.

I was born and raised in Bridge Pa and apart from spending 5 years at Boarding school in Napier and a further nine years studying and working in Auckland in the late seventies – eighties, I have lived in Bridge Pa ever since. I am 61 years young, am involved in Kohanga Reo, Kura Kaupapa Māori, Wharekura and Whare Wānanga. I have a keen interest in Māori politics whether at a marae level, taiwhenua, iwi or nationally.

Bridge Pa is where my mother's people are from. It is through her grandmother Akarana Keriana Tipuna Edwards and her grandmother Maatatewharemataa how we derive our manawhenua status to this area. And furthermore, it is through our tipuna Rāhunga I te rangi (II), Maatatewharemataa's grandmother, in which our hapū originates.

I pay homage to my tipuna because it is through them that I am able to claim manawhenua to this rohe. It is through them that gives me my sense of belonging. This rohe I am referring to also includes the waterways which pass through it whether it be, above the land and / or below it. It also includes the space between the Whenua (Papatuanuku) and the sky (Ranginui).

I have read the submissions from the Heretaunga Tamatea Settlement Trust and the Heretaunga Taiwhenua who have provided extensive and detailed critiques of the Proposed TANK Plan Change 9. I want to acknowledge them as well as Ngāti Kahungunu Iwi

Incorporated (NKII) for their objections to the Proposed Plan in the interests of all marae, hapū, tangatawhenua / manawhenua within this area of interest.
I write this submission because I too am opposed to the Proposed TANK Plan Change 9. In particular I want to focus on how this Plan impacts on my whānau and hapū of Mangaroa marae, Ngāti Rahunga I te Rangi.

Our marae is situated at the top end of Raukawa Road. On one side flows the Kārewarewa stream and across the road the Paritua. The two streams (really one) converge at the Bridge Pa bridge, flows pass Mangaroa Marae, pass Korongotā marae pass the boundary of my property and snakes its way to our whānau and hapū at Pakipaki. On its journey there though, the awa has been modified, several times I understand.

As a young girl growing up in Bridge Pa, the Paritua and Kārewarewa flowed all year round. Kai was plentiful, particularly tuna. I did not go eeling, but my brothers and cousins did. They all had their own gaffs (which they made themselves) and some of my uncles and my father had hīnaki. Whatever eels they caught was usually shared amongst the whānau. As young kids in the summer the Paritua and Kārewarewa were our swimming pools. The water was clean and clear and you could drink it. That was in the 60's – 70's, happy times. During my mother's time in the 1930 – 1960's, her and her siblings, cousins, uncles and aunties too had a strong relationship with the Paritua Kārewarewa awa. My mother could also recall her brothers catching the kēwai and fresh water koura from the Paritua and Kārewarewa.

When I returned home in the late 80's, I noticed a significant change in the quality and quantity of the water in the awa, especially at the bridge. You could see just looking at the water that the mauri (life force) had changed. The water wasn't clear. It was a murky green-grey colour. There was a lot of cow cress and green slimy weed. I also noticed the water level wasn't as high and wide at the bridge as what I remembered it to be. It did not however deter our tamariki from continuing to swim and play in it.

The poor state of the awa for our pa reached an "all- time" low in 2008 and 2009. That was the first time our community ran out of water. This story hit national news and we had Hastings District Council, HBRC and TPK scrambling to try fix the problem. I remember quite vividly when it started to happen as it was the same time my father passed at the end of 2008.

In early 2009, the community called a meeting. Mangaroa wharekai was packed out. We moved to set up the Bridge Pa Water Action Committee (BPWAC). A survey was undertaken and found that of the 36 homes in Raukawa Road, 30 were without water and of the 18+ homes on Maraekakaho Road, 12 were without water. We all knew that something was wrong because that year there was no water in our awa. The Committee then decided to investigate and follow upstream where the awa started to dry up. Our findings were very interesting. Not even 10km west of our Pa, a channel of water running parallel to Maraekakaho Road was full with water, irrigation pipes were set up in a paddock irrigating it as well as the road. We managed to trace the source of our problem to Mr Mike Glazebrooke. We were shocked to find that on his property he had created 2 man-made lakes. He was polite enough to invite us into his home, to chat and have a cup of tea. His

home is situated on top of one of the hills overlooking the plains out towards the Ngaruroro river. From his kitchen and dining-room you got a splendid bird's eye view of the landscape and of course his 2 lakes. He took us down to his lakes and even offered that if any of the whānau want to catch eels from there, they were most welcome to. He told us that a commercial fisherman had the previous year, taken 2 tons of tuna from his lakes. He also took us further up the road near Maraekakaho School to another property of his, where he told us that he will be excavating the shingle off his property and when that happens, it will automatically create another "bigger" lake. He shared his vision to have jet-boat skiing and water recreation sports there. I was horrified not at the fact that he had a magnificent dream but how he could get away with stealing the water and I told him so. The Ngaruroro river was a "stones' throw" away from the spot where we spoke.

I came away from that meeting that day, absolutely gutted and thinking, "How can one man get away with, in the first instance creating 2 big lakes on his property and then further up the road have an even bigger plan to create another one, while we, the manawhenua, the tangatawhenua, the Crown's Treaty partner have no water to service our people. Nevertheless, I was heartened that a few years later, my sister Hira lodged a claim to the Waitangi Tribunal for our proprietary rights to the waters.

I then started asking questions about who gives a person the right to take big volumes of water from the waterways and the aquifer to essentially store on his own property where only he benefits? I remember attending a hui at the Heretaunga Taiwhenua, where a Pakeha woman had presided over a hearing to allocate water licenses. Again, I thought, "How come this woman can make decisions over a taonga that doesn't belong to her. Who gives her that right?" Under article 2 of Te Tiriti O Waitangi, it guaranteed rangatira and hapū, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties', including water. At no time in the history of Aotearoa did any rangatira, hapū or iwi sell their awa, puna, waiu, moana, aquifer, these water taonga. The Crown just took it.

I merely highlight these experiences because, we the tangatawhenua, the mana Whenua, the hapū and the iwi are getting ripped off by this Pakeha process.

I've read the Background to the "Proposed Plan Change 9, pages 1 to 4, of how tangatawhenua have been involved, have contributed in a collaborative process, how Māori values have been incorporated in the document, so on and so forth. However, what I didn't see, is the equal sharing of power and decision making with regards to the governance, management, consenting and monitoring of the water quality and quantity between the Crown's Agency (HBRC) and its Treaty partner according to the Treaty of Waitangi.

Regarding the poor health and state of the water is "straight up" due to Pakeha greed, selfishness, bad management practices and the omission of a forward thinking vision. The 93% over-allocation of water licenses from the Ngaruroro River and its tributaries surely should signal to you, something is drastically wrong with your practices. Why would you allow it to get so high, I ask you? Why have you allowed the waterways to become so polluted and toxic, and unswimmable. Why would you allow the Paritua Kārewarewa to dry up for now nearly 7 months certainly from this year and last year was similar. In January

this year, some of the whanau re-located more than a hundred baby eels from the Kārewarewa to the Ngaruroro River because there was no flowing water. And there were quite a few that died too.

Although your plan intends to phase out over-allocation, all current resource consent holders will benefit by an automatic further ten years "roll over" if this Plan becomes operative, which is calculating and shrewd. In other words, a scam.

Ngāti Rahunga I te Rangi have our own aspirations regarding the water. In 2016 the HBRC even assisted with the Plan. We want to restore the mauri and mana o te wai so that it could be enjoyed by the entire community, our tamariki mokopuna. We want to bring back the kēwai, the tuna, fresh water koura, to harvest watercress from it. We want to be able to practice baptismal rites in the awa. We want to have waka ama rowing down the awa. We want to be able to connect our whakapapa from this marae to that marae via the waterways. We want to be able to swim in it and drink from the Kārewarewa. But we certainly don't want the man up the road, controlling the flow of the water to our end, nor do we want him sending his paru water our way.

I think the HBRC could benefit immensely if you took off your racist tinted glasses and agreed to share power with tangatawhenua. We have a saying, "He aha te mea nui o te ao, he tangata he tangata he tangata" – What is the most precious thing in the world; It is people, it is people, it is people.

Kara tangi Waiaroha rā
Mō Kārewarewa
Kei hea Kēwai
Pupu ake ngā wai o Takaparatā
Te pūtoto Wāhiawa
O Te Awa O Te Atua
E rere ngā wai o aku kamo
Mō te Hinerepo o
Kārewarewa i

This mōteatea was composed by Hira Huata acknowledging our tīpuna A(kara)na Keriana Tipuna Edwards and the precious loving waters of the Kārewarewa awa. Her tangi of the loss of the kēwai, of our taniwha Takaparatā, Te Awa O Te Atua and the wetlands is overwhelming.

I would like to speak to my submission at the Hearing. I am also asking that the Hearing be held at Mangaroa Marae.

Nga mihi,

Huia Libya Huata HUATA

Mangaroa ki te rangi

Mangaroa Marae Trustees
1 Raukawa Rd.,
Bridge Pa,
Hastings.

SUBMISSION ON HBRC'S PROPOSED TANK PLAN CHANGE

Name: **Cordry Tawa Huata**
Co-Chairman of Mangaroa Marae Trustees

Postal Address: **31 Raukawa Rd.,**
Bridge Pa
Hastings

Email Address: **cordryhuata@gmail.com**

Phone number: **027 9326321**

I, Cordry Tawa Huata wish to be heard in support of this submission alongside other of my whānau from Mangaroa marae who wish to be heard. As the Chairman of Mangaroa Marae I also extend to the Council the opportunity for the Hearing to be heard at Mangaroa Marae.

Mangaroa ki te rangi

Mangaroa ki te whenua

Te reo tangiwai aroha o Ngāti Rahunga-i-te-rangi

Te reo porowai aroha o Ngāti Poporo

Te reo pahuwai aroha o Ngāti Pahu

Te reo pouwai aroha o Ngāti Pouwharekura

Whakarongo ki ngā kara tangi o ngā wai ruturutu

Paritu ana te Kārewarewa o Awanui ki Karamu

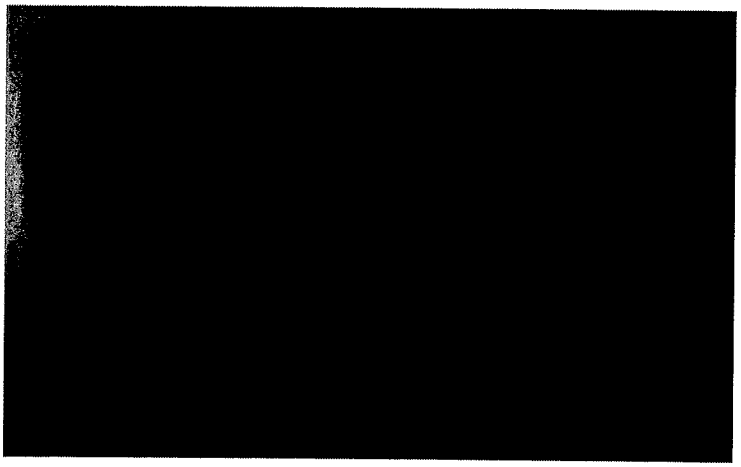
Tangi waiaroha o Kārewarewa kei hea kēwai?

As the co-chairman of the Mangaroa Marae Trustees, the Chairman of the Mangaroa Marae Committee, kaumatua of Mangaroa Marae and a resident of the Bridge Pa community I and the people I represent formally lodge our objection to the HBRC Proposed TANK Plan Change 9.

It is through my mother Hinemihi Huata that I have manawhenua to the lands of Mangaroa. The following whakapapa establishes my rights and the rights of all our whānau from Mangaroa Marae to this rohe;

Kahungunu = Rongomaiwahine
Kahukuranui
Hinemanuhiri
Kaukohea
Tūtekanao
Tūreia
Te Huki
Puruaute
Kapuamatotoru
Hinemaka
Rahunga I te rangi
Takotorua
Maatatewharemataa
Taraipine
Akarana Keriana Tipuna = Dave Teiwi Edwards
Parewanui = Watene Maehe
Hinemihi = Rana Huata
Cordry Tawa Huata

Akarana Keriana Tipuna = Dave Teiwi Edwards



Ka puta mai a Paratene, Rongomawahine, Taraipine, Mary, Raina (no issue), Pukarauria, Puti, Parewanui (deceased no issue), Horomona, Parewanui.

Apart from attending Te Aute College in the early 70's, then Auckland University after that, I have resided most of my life in the whānau homestead at Raukawa Road. I have 2 Masters degrees and am the Tumuaki (Principal) at Te Kura Kaupapa Māori O Ngāti Kahungunu ki Heretaunga. I am also a Trustee for Mangaroa Marae on the Heretaunga Tamatea Settlement Trust. I am also the Deputy Chair of HTST.

I support the submissions lodged by the Heretaunga Tamatea Settlement Trust, the Heretaunga Taiwhenua and Ngāti Kahungunu Iwi Incorporated. I commend all three entities mahi to represent the interests of all our whanau / hapu across the district which this Proposed Plan affects with regards to the water.

I also wish to acknowledge the HBRC for reviewing the Plan and giving the people the opportunity to have their say whether in support of it or against it. On the face of it though it appears that "the cart has been put before the horse", that is, that the Government's National Policy Statement on Freshwater to promote the fundamental concept of Te Mana o Te Wai with a hierarchy of obligations that prioritise;

a) the health and wellbeing of water bodies and freshwater ecosystems;
b) the health needs of the people, and
c) the ability for people and communities to provide for their social, economic and cultural wellbeing, now and into the future.

These should have been embedded in the HBRC's water plan first before this review.

For many years, our Mangaroa marae whānau have witnessed and experienced the degradation, the abuse, the neglect, the greed, the poor management, and monitoring of the wai Māori in our locality.

I and my people have little faith in our Council to protect our taonga wai Maori and our rangatiratanga over our taonga The plan is another attempt to usurp the Tino Rangatiratanga of Ngāti Rahunga-i-te-rangi, Ngāti Poporo, Ngāti Pahu, Ngāti Pouwharekura and other hapū o Heretaunga ara rau in relation to wai Maori.

The plan needs to acknowledge the fiducial rights of ngā iwi Maori and ngā hapū o Heretaunga towards wai maori.

Therefore I oppose the HBRC Proposed TANK Plan Changes 9.

Ngā mihi,

Cordry Tawa Huata

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Allen Kittow, Managing Director of Tremaine Farms Ltd

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Agriculture and Horticulture are critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of agriculture and horticulture and their role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all farmers and growers to operate at good management practice .
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwis an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.

Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of agriculture and horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primar production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.

Industry programmes and landowner collectives	
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarif what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My agricultural and horticultural operation is located at 634 Valley Road, Raukawa and comprises of the following crops and pastures:

20 ha of summer grown pumpkins and specialty squash, all for New Zealand markets

10 ha of irrigated pasture for livestock

20 ha of dryland pasture for livestock

Additionally, our company leases 13 ha within the Tank catchments for summer grown crops, mostly pumpkin & squash with some process peas and sweetcorn .

In addition to my wife and I, we employ two full time staff working in our packing shed , and approximately 20 seasonal staff for most ly harvest related activities.

Finally, I work on a part-time basis as an Agricultural Engineering Consultant.

I have spent 40 years of my adult life consulting to farmers and growers on mostly irrigation and rural water supply matters. The bulk of this work has been "on-farm" and I consider myself to have a sound knowledge of most soil and water related activities in the wider Hawke's Bay region.

Plan Change 9/TANK is likely to affect my business in the following ways:

-Reduced access to water from the Paritua Stream (a tributary of the Karamu Stream) would affect the scale of our current crop and livestock production systems. Being a relatively small business, this could be a critical determinant to our future business survival .

- Access to "high flow winter water" that can be placed in storage will likely be the only way to maintain our current irrigation requirements into the future.

- Future land use changes for our business, that allow participation in higher value horticulture activities will likely be more restricted under the plan in its current format.

I seek the following decision from the local authority:

That the plan change is amended as set out in the table above.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date:14 August 2020

Electronic address for service: allen@kittow.co.nz

Contact phone number:027 852166

Postal address:634 Valley Road, RD4, Hastings.

Contact person (if submission on behalf of a business or organisation):

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Berrilea Orchards Ltd ,Waitohi Trust and SP&GC Horn

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management: Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

My submission is:

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	**Amendments sought**
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply.

	Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.
Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to $20m^3$ to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that

	augmentation should be investigated and I believe amendments should be made to reflect that.
Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

My horticultural operation is located 31 Miller Road Havelock North and comprises of the following crops and acreage

8.5 ha

Plan Change 9/TANK is likely to affect my business in the following ways:

I am unsure that sufficient water would be available for our properties should our crop type change. The properties are in apples at this time and are leased out. The trees are older and may require either replanting or the land use may change to a different crop . It is very important that there is sufficient water available to cope with other crop types to keep the land in production.

I seek the following decision from the local authority: That the plan is changed to reflect the above amendments.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:

Date: 12 th August 2020

Electronic address for service: stewart.horn@xtra.co.nz

Contact phone number:0274598728

Postal address: 31 iller Road Havelock North

Contact person (if submission on behalf of a business or organisation): Stewart Horn

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Aberielle Robin (Abe)

Organisation/Iwi/Hapu: Mangaroa Marae Ngati Kamingumu ki Ngati Ramunga-i-te-rangi, Ngati Popoto

Postal address: *(required)* 16 Plymouth Road Flaxmere Hastings

Email address: abe_robin@hotmail.com

Phone number: (022) 129 0359

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / (No)

Signature: [signature] Date: 14.8.2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number) Proposed PC9

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to written submission attached.

Reason for decision requested:

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

PROPOSED TANK PLAN CHANGE 9 SUBMISSION August 2020

I have seen drastic changes that have impacted on the natural ecosystem and tangata whenua (people) of Bridge Pa which has led me to a decision to not support this proposed plan.

Currently our water quality in Bridge Pa has become extremely polluted. The water flow of the Paritua, Karewarewa and Te Awa O Te Atua streams is not consistent, it's a trickle or there is no water, and the streams are left high and dry.

The streams are a focal point for the hapori (community) where we would occasionally fish, swim, drink, share stories, customary practices, drink, gather kai (food), do planting and wānanga (learning tool), but sadly this is not the case today. Water is gradual which has restricted tangata whenua (people) to source food, reconnect and have a relationship. The health of the streams are desolate where its life force for the environment needs to be uplifted.

Times are rapidly changing this needs to be addressed, re-engaged, re-established the quality and quantity of the environment in Bridge Pa such as the water, fish growth, freshwater species, native bird life and vegetation to once again flourish, and be restored to its natural glory.

Lastly my cultural values and heritage is merely protected and provisions for it are not met in this plan, so I would like that to be considered. Thank you for your time.

Aberielle Robin

Mangaroa Marae Whānau

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* DONNA ROBIN

Organisation/Iwi/Hapu: Mangaroa Marae, Ngāti Kahungunu, Ngāti Kahungunu ki te Wairoa

Postal address: *(required)* 19 KOHUPATIKI ROAD, RD2 HASTINGS 4172

Email address: donnarobin33@gmail.com

Phone number: 0210428962

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / (No)

Signature: Donna Robin Date: 14/08/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number) Proposed PC9

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to submission attached.

Reason for decision requested:

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

PROPOSED TANK PLAN CHANGE 9 SUBMISSION August 2020

To Whom It May Concern

I am writing to you to oppose the above plan on the following grounds:

I would like to see purified drinking water in all households of Bridge Pa. The water is polluted and the drinking water has the added mix of chlorine and fluorine which smells awful, taste absolutely yuck and it is skin sensitive.

There is minimal water flow or next to no water in the streams of Bridge Pa during irrigation and hot months.

When water filters from the dams and there's heavy rain a down pour the over flow of water floods our stream, wetlands and raises the water levels which in turns also floods the marae Mangaroa and disrupts the habitat for bird species, plant life, mahinga kai (food source) species to live, migrate and breed. This alters the water flow which lead to erosions of the stream banks. We have had minimal to no consultation from those who have these dams with the tangata whenua of the marae or hapori (community).

Restoring and preserving the streams and the wetlands of Bridge Pa for the tangata whenua (people) this will enable us to swim, learn cultural practices, inter-generational knowledge that will be passed on from our nannies and koro (elder) which leads to a question I would like to ask you "How would that type of learning relationship be rejuvenated?"

The natural ecosystem for the tangata whenua in Bridge Pa is importantly a big part of our cultural identity of who we are in our whakapapa (family genealogy) and pepeha (family lineage) of where we come from this is not respectfully valued and provisions around this needs to be considered.

Donna Robin
Mangaroa Marae Whānau

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Mangaroa Marae, Greenie Cooke

Organisation/Iwi/Hapu: Kahungunu, Ngati Kahunga ki te Rangi

Postal address: *(required)* 9. 8. Scarborough Road
Havmere
Hastings

Email address: rg.cooke@kinect.co.nz

Phone number: 06-8794113

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

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If you have ticked this box please select one of the following:

☒ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / No

Signature: G K. Cooke Date: 11.08.2020.

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 3 July 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

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Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL

Submission Details

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Plan provision (eg. objective, policy or rule number) Proposed PC9

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Submission to H.B.R.C from Mangaroa Marae

At the time of tidying up and replanting of the northern boundry of the Karewarewa Stream at Mangaroa Marae at Bridge Pa the H.B.R.C printed a small booklet
OHO RANA AKA TE AWA
Reawakening the Awa

Copies of this book were signed by members of our Community as well as most of the members of the H.B.R.C.

Reason for decision requested: As a marae member and also a Committee member we feel somewhat let down by the H.B.R.C in that the principals in that booklet have not been adhered to inspite of so many of the H.B.R.C members signing it.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* RANDLE COOKE

Organisation/Iwi/Hapu: MANGAROA MARAE

Postal address: *(required)* 8 Scarborough Road
Flaxmere
Hastings 4120

Email address: rg.cooke@kinect.co.nz

Phone number: 06-8794113

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

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Do you wish to be heard in support of your submission? ~~Yes~~ / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? ~~Yes~~ / No

Signature: [signature] Date: 11-08-2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
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HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

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Plan provision (eg. objective, policy or rule number) Proposed PC 9

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to written submission attached

Reason for decision requested:

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

Submission to HBRC. August 2020.

Seeing a photgraph of the Karewarewa Streem at Bridge Pa in the Hawkes Bay Today newspaper on 30th June 2020 has prompted me to write this submission.

Approximately 5 years ago the Hawkes Bay Regional Council helped Mangaroa marae tidy up and replant both sides of the Karewarewa Stream along the northern boundry of the Mangaroa Marae.

At that time considerable discussions were held between the then Marae Committee and the Regional Council about the flow of water in the stream.

When water is flowing along the stream it is such a beautiful site, for the whole community to enjoy, not only from a scenic point of view but also from a recreational view.

Over the generations the people of Bridge Pa have been taught how to catch eels in the stream and over time that skill has been passed down to our younger generation.

The swimming hole by the bridge has always our communities Aquatic Centre and a focal point during the summer months where families have enjoyed barbecues and swimming for many, many hours.

If only that bridge and swimming hole could talk, I'm sure it would reveal many,many secrets of life in Bridge Pa, both good and some not so good.

Unfortunately and usually at the height of summer the stream dries up and dispite the best efforts of many people hundreds of eels and small fish die as the swimming hole completely dries out.

The HBRC are well aware of this and at the time of beautification and replanting they assured us that they would endeavour to solve the water problem.

Since then nothing has happened and we believe that the HBRC have failed us completely with their veiled promise of a continued flow of water in our stream.

There must be a reason why our stream runs dry and it's so disheartening to see such a lovely looking stream during Spring and early Summer with bank to bank watercress, a staple food for many of our people, to a dry, desolute, dust bowl of an unlooked after "creek" at the height of summer, let alone the loss of all the water life

like fish and eels and other water born creatures.

We assume the the vineyards and winerys between Bridge Pa and the source of the stream must have their own wells so this will essentually rule them out of causing our stream to dry out.

On the whole the residents of Bridge Pa feel so let down by the fact that our stream is so dry and baron at the height of summer and autumn when in fact it should be a real focal point of our village and so many feel that if our stream had been situated in any other suburb of Hastings, heaven and earth would have been moved to ensure a continued flow of water would be travelling down our stream.

Finally we ask that the HBRC re-visit the water flow in the Karewarewa Stream, or lack of, and instead of us looking at that dry,desolute, dust bowl, thats an eye-sore in anybody's language, we could instead be singing the praises of the Regional Council and enjoying continued swimming and barbecuing late into our summer evenings as well as listening to the ripple of water as it wends it's way towards Pakipaki with the sheer beauty of having water in our stream all the year round.

Randle Cooke

Mangaroa Marae Community.

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Ranginhiria Robin

Organisation/Iwi/Hapu: Mangarea Marae Ngati Kahungunu Ngati Rapoto

Postal address: *(required)* 16 Plymouth Road Flaxmere Hastings

Email address: Reedlee_robin@hotmail.com

Phone number: (022) 326 3323

Contact person and address if different to above: .....

Trade Competition

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Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / (No)

Signature: R. O Rapoto Date: 14-8-2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

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Plan provision (eg. objective, policy or rule number) Proposed PC9

I **Support** ☐ **Oppose** ☑ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to the written submission attached.

Reason for decision requested:

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

PROPOSED TANK PLAN CHANGE 9 SUBMISSION August 2020

To Whom It May Concern

Surrounding Mangaroa Marae are the hapū (subtribes) Ngāti Rahunga-i-te-rangi, Ngāti Poporo, Ngāti Pahu and Ngāti Pouwharekura. The wetlands of the streams Paritua, Karewarewa and Te Awa O Te Atua. As my people all know these streams are the linear hearts of Bridge Pa.

The mauri of these streams connect directly with the life force of the tangata whenua (people) of Bridge Pa as these steadily flowing streams reassured us that our mind body and soul will be sustained and looked after. Unfortunately, it is not the case hence, I wish to oppose to the TANK Plan change 9 as follows:

1. Water quality

Drinking water to be free of pollution, chlorine, fluorine and is safe to drink that is restored in every household of Bridge Pa liken to the water used in the 'Chlorine Free Water Fill Stations' in Hastings & Napier.

2. Water quantity

The streams were ensured to fertile soil and have a plentiful supply of water for the hapori (community) of Bridge Pa. However, this water flow through the streams are trickles or non-existent especially during the summer months.

3. Local Impacts

The local dams have stopped & restricted the water flow & have dried up our streams & river beds during summer. They open them up during the winter time and it creates floods when our tamariki (children) mokopuna (grandchildren) have to walk through it to go to school it is very unsafe, the marae Mangaroa cannot be used as an evacuation emergency hub facility for the hapori (community) because it too becomes flooded.

4. Mahinga kai (Food source)

The insufficient or lack of water flowing into our streams mentioned in point 2. The vegetation that grows around and in the streams such as fruit trees, puha and watercress that is picked and the freshwater species in the streams like tuna (eel) and inanga (whitebait) are caught to be safe and healthy to eat.

5. Māori Cultural Wellbeing and Survival

There's a need to take care and preserve the natural ecosystem of Bridge Pa for the survival of tangata whenua our pepeha (Family lineage) and whakapapa (Family tree).

This aspect has been poorly considered, is not clear & non-existent in the plan which definitely shows there is no support or provision for it. It is extremely important to us as tangata whenua (people) of Mangaroa marae living in Bridge Pa ensuring that our cultural identity, values and customs continues to exist and are well maintained for the next generation to come.

6. Restore and Protect

There is a need to provide guardianship and work as one to look after and improve the Bridge Pa streams and the taiao (environment) within 3 to 5 years so it is safe and bountiful.

Inclusion

The natural ecosystem such as the streams, freshwater species, habitat and wetlands of Bridge Pa are degraded and has no water at all. I would like to see that it is monitored & managed with a reasonable time frame. Gradual elevation of minimum flow for more water to be left in the stream. More water in the aquifer so that the springs that feed into the Ngaruroro River and then the streams flows again. Increase the habitat provision for a range of freshwater species accompanied with gradual water flow. Come up with another methodology for water allocation and water flow for actual and reasonable use.

Therefore, it will be helpful and beneficial for the tangata whenau and hapori to get back the water into the streams that we require which will enable our culture and customary practices to be revitalized and that the reconnection to the streams and environment to be restored.

Rangiwhiuia Robin

Mangaroa Marae Whānau

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: T&G Global Limited
Contact person: Rebecca Blunden
Address: 2 Anderson Road, Whakatu, Hastings 4180
Phone number: 871 5600 or 021 2665 122
Email: Rebecca.blunden@tandg.global

Introduction

1. T&G Global Limited (**T&G**) is New Zealand's largest pipfruit business. It accounts for approximately 30% of New Zealand's total pipfruit exports. It has extensive growing operations and third party growers located in Gisborne and Hawke's Bay, Nelson and Central Otago. It owns three packing facilities – two located in Hawke's Bay, and one in Nelson, together with post-harvest facilities located in Dunedin and Ettrick, Otago.

2. ENZAFruit New Zealand International Limited (**ENZIL**) is a wholly owned subsidiary of T&G. Within Hawke's Bay, ENZIL owns or leases over 740 hectares of land for apple orchards and owns two pack houses and two cool stores located at Whakatu, Hastings.

3. The current asset value of these post-harvest assets in Whakatu is approximately $90 million. ENZIL intends to reinvest in infrastructure at Whakatu to the value of approximately $20-$40 million by 2025. T&G also continues to invest in new orchard developments (developing approximately 60 Ha of land into intensive apple orchards per year) at a cost of approximately $12 million per year.

4. T&G is a significant employer in the region. It employs approximately 200 permanent employees and 900 seasonal workers in the Hawke's Bay region and pays approximately $28 million in wages and salaries annually. It also engages third party contractors as part of the production process at an annual cost of approximately $1 million.

5. T&G holds over 80 water consents for irrigation and frost protection purposes. All but one of those consents are groundwater takes. The viability of the orchards irrigated under these resource consents is wholly dependent on the continued availability of water authorised by those consents.

6. All but a very small number of T&G's orchards are irrigated using drip or sprinkler irrigation. The orchards are watered overnight using sophisticated technology which ensures that water use is limited to the amount that is required to water the crop, and no more.

Provisions of Plan Change 9 addressed in this submission

7. T&G and ENZIL generally support the overall framework of Plan Change 9. However, the current framework does not adequately recognise the importance of horticulture to the TANK catchment and the Hawke's Bay region generally. Sufficient water must be made available to provide for horticulture. If water becomes available for reallocation, priority should be given to the use of water for horticulture.

8. The table that follows sets out the specific provisions of the proposal that T&G's and ENZIL's submission relates to. The relief sought includes any consequential amendments to other parts of the plan change arising out of the specific relief requested.

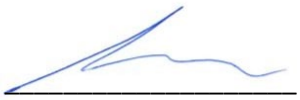
Provisions	Reason for opposition	Relief sought
OBJ TANK 17(a)	The economic, cultural and social well-being of all of the Hawke's Bay community should be supported through regulating the use and allocation of water available at high flows.	Clause 17(a) is amended to refer to the economic, cultural and social well-being of the Hawke's Bay Community being supported through regulating the use and allocation of the water available at high flows for taking, storage and use.
Policy 17, 18 19, 23, 24, 25, 26, TANK 1, TANK 2 and Schedule 30	There are existing and established industry programmes such as GAP schemes.	The provisions relating to Industry Programmes should be amended so that the requirements in the Plan Change align with existing and established industry programmes such as GAP schemes.
Policy 36(f)	It is not clear whether this clause would apply to a consented take which has not been fully implemented – for example a consent to irrigate an orchard which is under development.	Amend the clause to make it clear that it does not apply to consented takes for planned primary production developments.
Policy 36(g)	This clause states that the Council will adopt a staged approach to groundwater management that includes reducing existing levels of water use. Where that use is for irrigation it should be made clear that existing levels of water use are to be reduced to the quantity required to meet the modelled crop water demand for the irrigated area.	Amend this clause to refer to reducing existing levels of water use for irrigation to reasonable crop water needs.
Policy 37(d)(ii)	Any assessment of actual and reasonable use should be based on the best available information. Water use records have become more accurate in recent years. If an assessment of actual and reasonable water use is to be done over a 10-year period, that period should be 10 years up to 2 May 2020 (the date of notification). It is not clear whether the assessment of actual and reasonable use reflects current land use or land use authorised over an historical 10 year period.	Amend this clause to read: "apply an assessment of actual and reasonable use that reflects the water use authorised in the 10 years up to 2 May 2020 (except as provided by Policy 50);"

	Changes in land use should be possible, provided that associated water use does not increase.	
Policy 37 (b) and 38	It is unclear how these policies will operate as they seem to be inconsistent in their approach. Policy 37(b) states that reallocation of water within the interim groundwater allocation limit should be avoided, yet Policy 38 appears to enable water to be reallocated to holders of water permits issued before 2 May 2020.	If water becomes available within the interim allocation limit and its intended use is primary production or would be used for stream flow maintenance, the plan should enable that water to be re-allocated. Policy 37(b) should be amended accordingly.
Policy 39, 40 and 41	These policies require consent holders to equitably offset stream depletion from groundwater takes (Policy 39) and the Council to remedy stream depletion effects through the investigation of a water storage and release scheme (Policy 41). That investigation should be done before individual consent holders are required to develop or contribute to stream flow maintenance and habitat enhancement schemes.	Amend these policies to that they require the Council to fully implement Policy 41 before individual consent holders are required to develop or contribute to stream flow maintenance and habitat enhancement schemes.
Policy 46(a)	It would be helpful to define what is meant by 'security of supply'. Presumably for irrigation takes it means a 95% reliability of supply as per the definition of 'actual and reasonable' in the Glossary.	Add to this clause: ", which for irrigation takes means to a 95% reliability of supply."
Policy 47(b)	This policy appears to favour use of the IRRICALC water demand model and the use of a suitable equivalent if demand for the land use being applied for cannot be assessed using IRRICALC. There may be other suitable water demand models and this Policy should not limit their use.	Amend this clause to say: "using the IRRICALC water demand model or a suitable equivalent approved by Council to determine efficient water allocations for irrigation uses;"
Policy 48(f)	Transfers of allocated but unused water should be possible if the new water use is less that was allocated to the existing use and meets the definition of actual and reasonable.	Delete the words "and to prevent the transfer of allocated but unused water" from Policy 48(f).
Policy 51, 52, TANK 7 and 8	These provisions do not address access to water for rootstock survival.	A specific exemption should be provided in TANK 7 and 8 to allow up to $20m^3$ per day to be taken to assist in survival of permanent horticultural crops and rootstock.

TANK 5	Changes in land use activity should be possible under this rule, regardless of the proportion of the property affected, if the change does not cause an increase nutrient leaching.	Condition (a) should be amended to read: "Any change to a production land use activity commencing after 2 May 2020 that does not result in the annual nitrogen loss increasing".
TANK 9	More recent water records should be used than those for the 10 years preceding 1 August 2017 (condition (e)(iii)).	Condition (e)(iii) should be amended to refer to "the maximum annual water use in any one year within the 10 years preceding 2 May 2020 (including as demonstrated by accurate water meter records)."
Schedule 32	The high flow allocation limit should be revisited. This water is the only means of obtaining new water.	
Chapter 9 Glossary	The definition of actual and reasonable appears to limit the irrigated area to 'no more than in the permit due for renewal'. It should be possible to increase the irrigated area provided that the quantity of water applied for is no more than the permit due for renewal.	Clause (c) of the definition should read: "for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficient of application of no less than 80% as specified by the IRRICALC water demand model or a suitable equivalent approved by Council, and a 95% reliability of supply."

9. T&G and ENZIL wish to be heard in support of this submission. If others make a similar submission, T&G and ENZIL would consider presenting a joint case with them at the hearing.

14 August 2020



Craig Betty
Director Operations
T&G Global

To: Hawke's Bay Regional Council
C/o etank@hbrc.govt.nz

Name of Submitter: Heinz Wattie's Limited
Contact person: Bruce Mackay
Address: 513 King Street Hastings
Phone number: (06) 8731600, 021 817 015
Email: bruce.mackay@kraftheinz.com
Submitter type: Business/Industry

Introduction

1. Heinz Wattie's has been producing food for domestic and export sale since 1934. It is one of Hawke's Bay's most significant businesses, contributing up to 20% of Hawke's Bay's gross domestic product, which amounts to about $1.25 billion annually.

2. Heinz Wattie's also operate a significant food processing factory in Christchurch, and smaller facilities in Dunedin and Auckland. It has main offices in Auckland managing administration, sales and marketing.

3. Wattie's is one of New Zealand's largest food brands. Heinz Wattie's currently ranks as New Zealand's largest supplier (in units) to the NZ Grocery trade. It also supplies about forty other well-known brands as part of their national and global marketing strategy.

4. About 50% of Heinz Wattie's processed foods are plant based. Heinz Wattie's in Hastings purchases approximately $20 million of fruit and vegetables from local growers annually. It combines many of those with other New Zealand grown ingredients sourced from outside Hawke's Bay as well as imported ingredients, with a total cost of approximately $100-$120 million annually.

5. Heinz Wattie's produces around 160,000 tonnes of finished goods annually at its Hastings factory. It is one of NZ's largest food processors and manufacturers. Its products are in demand and exported to over 40 countries throughout the world based upon the brand and the business provenance position.

6. Heinz Wattie's provides permanent employment for about 950 employees nationally, with Hawke's Bay employing about 600 of these, 200 temporary employees and 650 seasonal workers. It pays around $52 million in salaries and wages in Hawke's Bay annually.

7. Heinz Wattie's has two manufacturing facilities in Hastings. The first, at King Street is the original home of Sir James Wattie's operations. This facility processes a range of canned fruit and vegetables and frozen vegetables as well as manufacturing baked beans, spaghetti, soups and sauce products for distribution throughout New Zealand and across the world.

8. Heinz Wattie's factory in Tomoana has several different production facilities and produces pet foods in one facility and jams, dressings, chilled soups, sauces and frozen meals in another. On this site, Heinz Wattie's stores at any one time up to 32,000 tonnes comprising 1,200 product lines which are distributed through its networks to customers globally.

9. Heinz Wattie's is the single biggest private water user in Hawke's Bay. It obtains its water from five wells located on its factory sites in Hastings. The total consented volume is 8.9Mm^3 per year.

10. The continued availability of water authorised by these resource consents is essential to the continued viability of Heinz Watties. So too is the continued availability of water authorised by resource consents held by the growers who supply produce to Heinz Watties.

11. All of the food supplied to the Hastings factory for processing is grown on irrigated land. The cost of producing these crops is such that growers cannot afford to take any risks that may impact potential yield. Irrigation is the most significant mitigation.

12. Water needs to be available at the times and in the quantities needed for growers to maximise crop potential. If growers perceive that this security of supply is compromised, they will elect to target irrigation water they are confident of receiving towards their most lucrative crops. Process cropping is typically less lucrative and will be one of the first casualties.

13. Any reduction in crop supply to Heinz Wattie's factory will impact factory viability.

Provisions of Plan Change 9 addressed in this submission

14. The specific provisions of the proposal that Heinz Wattie's submission relates to are set out in the table below. Heinz Wattie's seeks the amendments sought in the table and any consequential amendments arising out of the relief as sought.

Provisions	Reason for opposition	Relief sought
Policy 21 Land Use Change.	This policy does not allow land managers to change land use from an existing low leaching activity (eg; viticulture, pastoral) to another land use that models a potential increase. This policy will likely prevent any increase in productivity, and denies any land manager opportunity to do so regardless of any mitigations they or others may employ. It is difficult to determine whether cropping rotations are suitably captured in this document.	Change to include modelling on a whole of catchment basis, or to consider mitigations, would provide opportunities for land use change but still retain the maintain or improve overall objective. Cropping rotations need to be considered in their entirety rather than seasonally
Policy 36 Adverse effects of groundwater abstraction	The collaborative process did not determine agreement on reducing existing levels of water use. It determined that there was a need to better align water allocation with actual use. TANK Meeting 30 on 27/7/2017 reported that modelling the existing level of groundwater extraction was sustainable for the next 100 years. Therefore there is no need to reduce existing levels of use.	Allow existing levels of use to continue. Any new use needs to be from alternative water sources (most likely water storage).

Policy 37 a) and b)	This policy adopts an interim allocation limit of 90 million m^3per year. This was never agreed. It was agreed to consider 90 million m^3per year, a target, not a limit.	Retain 90 million m^3per year as a target. Delete paragraph b)
Policy 37 d) (i) and (ii)	These policies determine to reduce water available for irrigation and industrial use, because it allows for increases in municipal and papakainga water supply from a total volume that cannot increase. Policy 37 d) (ii) also dictates that council will manage allocation of groundwater based on the actual and reasonable authorised use on the basis of the least of the following; • The existing consent • The highest recorded water use in any of the 10 years preceding August 2017 • The IRRACALC modelled crop water demand. This is difficult as accurate records for water use over the preceding 10 years are unreliable, incomplete, and subject to significant variance that would be heavily dependent upon what crops were grown over that period and as they relate to the high and low water use years. For the purposes of this plan change, these options can only be useful if 10 years of good accurate records are available, and water users are managing their use with that knowledge. In instances where 10 years of accurate records for that type of land use do not exist, that option is precluded. This methodology is focussed on highest recorded use in the 10 preceding years (as this is almost certainly the least of option) will initiate a behaviour change from water users. Once aware what their annual allocation is, they will manage use, all the while retaining some “saved” allocation, just in case, much the same as a motorist will always	Delete the clause regarding the highest recorded water use in any of the 10 years preceding August 2017

	leave some fuel in the tank. When the time comes for the next consent renewal, this history of unutilised allocation will manifest as lesser demand, and consent renewals will be on that lesser basis, over time spiralling down. Now that consent terms are proposed at 15 years, rather than 25 currently, this reduction will happen reasonably quickly.	
Policy 39 b)	Policy 39 b) requires stream depletion maintenance and enhancement schemes to be off set equitably by consent holders with exceptions for essential human health. The open ended nature of "essential human health" in a part of the country that has no idea of actual water use for "essential human health", and municipal water reticulation networks that leak 6-15% of capacity, shifts the burden to other water users, namely irrigators and industrial, and require those users to pay for others inefficiencies. This approach to maintaining stream flows is based solely on the only currently available methodology to achieve this objective ie; imposing conditions on consented water users. It does not address the myriad of factors causing stream depletion, including the most significant: • Lack of rainfall in catchment areas • Increased drainage of arable land (depleting a water storage resource namely, the land) And it also exaggerates the potential impact of restricting groundwater takes because: • Most groundwater takes are from beneath an impermeable layer, that has very little connection to the surface	There should be a stated volume per head per day, thereafter municipal authorities are responsible to offset equitably the cost of these "unknown" schemes. This policy needs to be reconsidered with regard the causes, benefits accruing from any change, and costs of doing so. The impacts on surface water bodies especially over the confined aquifer due to consented water takes is much less than the impacts due to land drainage, or lack of rainfall. The benefits arising from augmenting surface water bodies are environmental and communal benefits, but the costs as indicated are falling to the irrigators, with indeterminate contributions from industrial and municipal users. Stream flow enhancements should be community funded with apportionment as targeted rates where justified to better align cause and benefits.

	• Delays between when groundwater takes are extracted to the time effects are observed, are so long as to be inconsequential.	
Policy 39 b)	Policy 39 b) requires stream depletion maintenance and enhancement schemes to be off set equitably by consent holders. During TANK meetings this subject was discussed a number of times and agreement was not reached. The consensus was that stream depletion maintenance was considered in line with the Twyford Irrigator Groups Global Consent as a model to be considered, and rolled out on three streams that were considered to be most responsive to this possible management practice - these streams being the Raupare, Paritua, and Mangateretere. Because the Twyford Irrigator Group is currently utilising allocated but not utilised water, this option will no longer be possible because allocations will now be made on the basis of actual and reasonable use, so the only feasible way for this offset to be made is from stored water.	Develop the stream depletion maintenance and enhancement programmes based on water supply originating from stored water. Begin the programme with the most responsive and cost effective surface water bodies, and monitor effectiveness.
Policy 39 b)	Policy 39 b) requires stream depletion maintenance and enhancement schemes to be off set equitably by consent holders. This policy will significantly impact Heinz Wattie's because they are substantial consent holders, and by implication may have significant impact on stream flows, but offers no suggestion as to how stream flows will be offset. Financial modelling by the HBRC and reported at TANK meeting 27 on the 22/2/2018 proposed a series of schemes that were a combination of surface flow enhancements like Raupare, augmented flows from Te Tua into the Paritua, and then developing a number of groundwater wells, pumps, power supplies and so on at varying costs and efficacy, as well as a 4.5Mm³ storage	Policy needs to be considered in terms of possible financial impacts on water users. Municipal users may have to contribute $400,000 annually (assuming they are allowed 450l/person/day, and levied water use above that) Greater certainty needs to be provided around what will happen and what it will cost.

	dam, but amounting to a sizeable capital investment ($26.2M) and annual operating cost ($2.4M including servicing the $26.2M capital). If all were enacted, Heinz Wattie's share of this may be between 8.2% and 12.5% p.a which is between $196,000 and $300,000 potential liability	
Policy 43 f)	This draft plan change seeks to increase or impose minimum flows in the following management water units, in line with policy 43 f), although no increases were ever agreed during TANK meetings.	No changes to minimum flows in the Tutaekuri, and no minimum flows established on the Mangone and Mangatutu without further community engagement and agreement.
Policy 49	Policy 49 concerning permit duration. This issue was discussed at TANK meetings and it was agreed that consent duration should consider capital investment aligned with that consent.	Consents that required significant investment either in water storage, or improved technology or in other areas should be considered at terms up to 35 years.
Policy 52 a)	Policy 52 a) states that the council will not allocate any new water. This restricts the opportunity for potential water users to utilise water that could be sourced from new water supplies, in particular stored water and yet clause 52e) states that it will promote water harvesting.	New water use can be allocated from stored water sources. Stored water should be harvested at times between median and 3 times median flows, into an off stem containment or a dam on a minor (not named) tributary, hopefully well up the catchment, then water is released to the mainstem when required for any potential use, that can then provide an environmental benefit as it travels down the mainstem, recharging the aquifer which is then extracted using existing groundwater takes infrastructure. This would allow for new consents to be issued to potentially irrigate the current 6000 plus unirrigated hectares, or provide water security for any other water users.
Policy 55 and 56	The allocation process for high flow takes should be revisited. High flow water is currently the only means of obtaining new water. When considered in conjunction with existing takes to	Stored water should be harvested at times between median and 3 times median flows, into an off stem containment or a dam on a minor (not named) tributary,

	storage, allocation to Iwi, and applications under consideration, there is less than half the 8000l/sec allocation still available. There is no apparent protocol detailing how the stored water be reticulated to consider those aspects in policy 56 c) to provide for productive potential of un-irrigated land, or adverse effects of water allocation limits.	hopefully well up the catchment, then water is released to the mainstem when required for any potential use, that can then provide an environmental benefit as it travels down the mainstem, recharging the aquifer which is then extracted using existing groundwater takes infrastructure. This would allow for new consents to be issued to potentially irrigate the currently unirrigated 6000 hectares, or provide water security for any other water users.
Policy 59 c)	Policy 59 c) states that 20% of the high flow allocation can be used for any activity provided that it includes contribution to a fund used to provide for development of Maori wellbeing, and "the contribution to the fund is proportional to any commercial returns resulting from the application". These clauses seek to loosely assign a value to water ("proportional to any commercial returns") that is then determined to benefit only a part of our community. Does the phrase "commercial returns" relate to profit derived from water use? Is it the difference between the returns for an irrigated crop and an unirrigated crop? When this was discussed at TANK meetings, the 20% allocation was to ensure potential allocation was reserved for Maori use, be that in developing Maori land, or in fact leaving that water in the river to provide environmental benefits. This concept recognises the complexities of Maori land ownership which can make decisions on development slow, and given the finite volumes of stored water available, needs to ensure Maori flexibility to develop in their own time rather than be rushed into action before other potential water users take the entire allocation. This policy goes further than that and envisages a fund	This policy which intends to create opportunity for Maori land to be developed or improved with irrigation is afforded that opportunity despite the "First in, first served" policy regarding water allocation, from the newly determined high flow harvesting allocation, which may see that opportunity disappear before the complexities of Maori land tenure, and multiple parties governance could arrange, but has instead inadvertently created a "price" for water, that being "the commercial returns resulting from the application. The reservation of some allocation is not opposed in principle, however the opportunity to "sell" that reservation and apply that financial benefit to a sector of our society is opposed. The only financial charge that can be applied against water use is a charge reflecting the actual cost of harvesting, storing, and reticulating stored water, and those charges accrue to the parties that undertake those functions, be they of public or private origin.

	being established and financial benefits being created and afforded some sectors over others.	
TANK 6	Rule 6 states a condition resulting in an increase in annual Nitrogen loss by property (of 80, 240, or 430 kgs per year) rather than per hectare, which is a much more relevant measure, because property sizes vary significantly, but the environmental impact of Nitrogen loss is by unit area.	A per hectare measure should be used

15. Where this submission aligns with the submissions made by Winegrowers and Horticulture New Zealand, Heinz Wattie's supports those submissions.

16. In summary:

- The objectives in the Plan Change are commendable but fall short when considering the foreseeable water needs of future generations.
- Policies consider possible population changes and demand that may have on water supply, but fail to recognise climate change a possibly impacting future water demand.
- Policies around water allocation and consent renewal need to be reconsidered so that they are more equitable to those water users in primary industry
- Policies concerning consent renewal reliant on good water allocation records should not be enacted unless those records exist
- Policies and rules around surface water flow management are inequitable, and do not address the fundamental causes of this issue
- This plan offers little opportunity to effect change, especially around new water use, even from storage
- The policies that support water storage are laudable, but the policies around harvesting, reticulating and utilising that stored water are inconsistent with the objectives.
- The allocation process for "new water" i.e. water that is high flow harvested and stored is assumed to be on a "first in first served" basis. Heinz Wattie's understands that of the 8000l/sec allocated in this draft plan change, 2400l/sec is existing allocation, 1600l/sec is reserved for Iwi allocation, and that consent applications for over 2100l/sec are before council. If this is true only 1900l/sec is available for allocation which is inequitable. If 4000l/sec was harvested for the periods that the Ngaruroro was flowing between mean and 3 times mean, and sufficient storage facilities exist, then enough water could be stored to fully irrigate the entire 22,000 irrigable hectares, so high flow allocation must allow for this.
- If a significantly greater proportion of irrigation was provided from storage, that would lessen the perceived impact on surface water bodies. Augmentation of these waterways may not be necessary
- The consequence of policies as worded regarding reallocation of consents on the basis of "Actual and Reasonable" will not allow the use of previously allocated but not utilised water to be used to augment surface water flows (as is currently practiced by the Twyford Water Users group) because there will no longer be un-utilised water. The Global consents model

that has been lauded a success by the HBRC will no longer be effective, unless as a collective they seek to augment with water from elsewhere (Storage).

17. Heinz Wattie's wishes to be heard in support of its submission. If others make a similar submission Heinz Watties would consider presenting a joint case with them at a hearing.

14 August 2020

_____

Mike Pretty
Heinz Wattie's Limited

Submission on Proposed Plan Change 9: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Pernod Ricard Winemakers New Zealand Limited

Organisation/Iwi/Hapu:

Postal address: *(required)* Private Bag 92030
Auckland 1142

Email address: Ezekiel.Hudspith@Dentons.com

Phone number: (04) 498 0849

Contact person and address if different to above:

Ezekiel Hudspith, Dentons Kensington Swan

PO Box 10246, Wellington 6143

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? **Yes / No**

If others make a similar submission, would you consider presenting a joint case with them at a hearing? **Yes / No**

Signature: Date: 14.08.2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
eTANK@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 14 August 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

Date Received:

Database Entry Date:

Database Entry Operator:

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Plan provision (eg. objective, policy or rule number) Addressed in full in the attached submissions.

I **Support** ☐ **Oppose** ☐ **Amend** ☐

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Addressed in full in the attached submissions.

Reason for decision requested:

Addressed in full in the attached submissions.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 3 JULY 2020

Pernod Ricard Winemakers
Leading Wine Innovation

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE

FORM 5 OF THE RESOURCE MANAGEMENT (FORMS, FEES, AND PROCEDURE) REGULATIONS 2003

Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments

To: Hawke's Bay Regional Council

Name: Pernod Ricard Winemakers New Zealand Limited
Private Bag 92030
Auckland 1142

Address for service: Dentons Kensington Swan
PO Box 10246
Wellington 6143

Attention: Ezekiel Hudspith

Phone: (04) 498 0849
E-mail: Ezekiel.hudspith@dentons.com

Submission Details:

1. This is a submission on the Hawke's Bay Regional Council Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (hereafter referred to as the TANK Plan Change or PC9).

2. This is a submission by Pernod Ricard Winemakers New Zealand Limited (hereafter Pernod Ricard/PRWM).

3. Pernod Ricard is a fully integrated wine producer and distributor. Pernod Ricard is New Zealand's largest domestic wine company and a major wine exporter, and its vineyards and winery operations are part of the diverse horticulture industry that is the lifeblood of Hawke's Bay.

4. Hawke's Bay is one of the locations of Pernod Ricard's three company wineries, along with Blenheim and Auckland. Pernod Ricard owns and leases significant vineyard assets in the Hawke's Bay region, including 422 hectares of vineyards, which produce a range of grape varieties including chardonnay,

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sauvignon blanc, pinot gris, Bordeaux reds, and Syrah. These vineyards are located throughout Hawke's Bay, including at Crownthorpe, Bridge Pa Triangle, Te Mata, and Tukituki.

5. Pernod Ricard employs 44 people in Hawke's Bay including at the Cellar Door (at its Church Road Winery). In addition to this, Pernod Ricard buys from and supports a number of growers (representing an additional 123ha of vineyards), and employs contract labour over the vintage and extra staff at the Cellar Door during the busy summer period.

6. Pernod Ricard's Church Road Winery in Taradale is one of the oldest wineries in New Zealand, founded in 1897 on the same site it stands on today. Pernod Ricard has invested heavily in its facilities there, and as a result represents a significant part of Hawke's Bay's tourism offering.

7. Pernod Ricard confirms that it could not gain any advantage in trade competition as a result of this submission.

8. This submission relates to the TANK Plan Change in its entirety. Subject to the concerns outlined below, PRWM generally supports (with some amendments) the proposed objectives, policies, and rules of PC9 as appropriately recognising and providing for primary production activities (and viticulture in particular). However, PRWM has a number of concerns in relation to the evidential basis, drafting, and implementation of PC9.

9. In summary, PRWM is concerned that, in terms of its approach to the management and allocation of water, PC9:
    a. Takes an unnecessarily conservative approach to allocation limits and flows, and is unduly restrictive in applying prohibited activity status to takes beyond those limits.
    b. Takes an unnecessarily restrictive approach to the determination of "actual and reasonable" allocation volumes. In particular, the reliance on water usage in the previous ten year period (ending 1 August 2017 for the Heretaunga Plains Water Management Unit, or 2 May 2020 in other areas) raises concerns in terms of the likelihood of more frequent and/or severe droughts in the future due to climate change, and also in relation to the accuracy of water meters. In addition, this approach effectively precludes (or at least seriously disadvantages) any change in land use from viticulture to a more water intensive land use.
    c. Creates a significant degree of uncertainty surrounding the implementation of the flow maintenance scheme and the stream depletion calculator.

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d. Relies on IRRICALC tool in the determination of "actual and reasonable" allocations, without sufficient explanation or transparency as to the assumptions/parameters of the IRRICALC tool provided, including how and to what extent the model accounts for Hawke's Bay climate, crop types, soil types, and irrigation demand. PRWM also has concerns about the lack of ability to use an alternative model if/where appropriate, or to adjust key parameters in order to accurately calculate the water needs for vineyards i.e. planting densities, age of vines etc.

e. Is unclear with regard to the application of minimum flows and/or cease take restrictions, including to groundwater. In this regard Pernod Ricard seeks consideration of:

   i. an allowance for limited takes for the purpose of 'root stock protection' (compare Policy TT9(1)(f) for the Tukituki Catchment, or Policy 5.10.7.51 in relation to water shortage directions); and

   ii. provisions addressing the extent to which minimum flow restrictions are applied to groundwater, for example to the degree of hydraulic connection/stream depleting effect with the surface water body (as per Policy TT11 for the Tukituki Catchment).

f. Has not been appropriately justified through a Section 32 report in sufficient detail. In particular, the Section 32 Report fails to fully justify the approach to allocation limits, minimum flows, the degree of groundwater connection, and the interim allocation limit for the Heretaunga Plains Water Management Unit (of 90 million cubic metres).

g. May impose requirements for farm plans that are inappropriate for viticulture (or impose requirements that are disproportionate to level of nutrient loss associated with that activity, and go beyond the requirements for 'freshwater farm plans' under Part 9A of the RMA.

h. Has drafting flaws such that the intent of the objectives, policies, rules, and schedules is sometimes unclear, including as a result of inconsistent intent and terminology. In addition PRMW also has concerns that much of the evidential basis and explanation sits outside of PC9 in the form of fact sheets, and instead needs to be clearly incorporated within the plan change itself (for example through revisions to the policies and rules, additions to the Glossary, or explanatory notes as part of the plan change).

10. Overall, PRWM is concerned that PC9, as proposed, would result in a substantial reduction in the water available to PRWM's operations, and will result in less water than has been required in recent years. This could have significant implications for PRWM's business, of which the viability and economic costs and benefits on primary production have not been adequately addressed through the analysis and reporting process. Having a sufficient and reliable supply of water for irrigation is critical to PRWM's operations, as without adequate water, crops could be lost and vines irreparably damaged (which affects the quality of subsequent crops). Particularly given the limited amount of water required for viticulture as compared

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with other land uses, it is not clear if the costs and benefits of PC9 as it applies to viticulture have been properly tested.

11. PRWM is also concerned that PC9 unduly locks-in existing viticultural land uses, because they have an existing low water usage, and that the provisions of PC9[1] would inappropriately restrict any change in land use and/or crop density, reestablishment, and the ability to attain more water than currently allocated, due to the definition of actual and reasonable. This approach would not allow for intensification – or allow for more efficient use of resources. Whereas other land uses and permit holders would continue to have a high volume of water allocation, and could more readily and easily switch land uses or crops. This raises issues of equity in terms of the capital value of the land use, as previously allocated water would make it easier and/or more worthwhile for some land users to convert to another land use with less water usage, whilst unduly restricting land uses with an already low water usage from intensifying or converting. PRWM has concerns that this locking-in of land use (and water) may unduly limit viticulture intensification (i.e. planting density), or prohibit a change to another land use (e.g.. grape to apples or dairy), given that grapes require approximately three times less water than other crops. For example, it might be possible under PC9 to switch land use in some cases (i.e grapes to apples), but this would have to be on a much smaller land area because 30ha of grapes could only translate (in terms of water use) to approximately 3ha of apples.

12. Pernod Ricard is particularly concerned about the following economic issues, some of which were identified in the Section 32 Report:
    a. The water take allocation restrictions proposed will have economic costs, particularly in drought years.[2]
    b. The restriction to actual and reasonable use with no provision for new water takes (except via the transfer of permits), will also have an economic opportunity cost in preventing the expansion of irrigation-dependent crops.[3]
    c. The transfer of permit provisions does not allow for unused allocations to be transferred and only allows for the transfer of existing used allocations.[4] This raises issues around the capital value of high water use existing land uses.

[1] Including 5.10.6.37(d), 5.10.7.43(d),(h), & (k), 5.10.7.46(b), 5.10.7.52(b)(i), TANK 9(c) and TANK 10(e).
[2] Section 32 Report, Page 289.
[3] Section 32 Report, Page 290.
[4] Section 32 Report, Page 292.

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d. The inability to gain new water takes, or to utilise existing but unused allocations will have a significant economic cost in constraining new or expanding irrigation-dependent crops.[5]

e. The provisions in Policy 5.10.7.48 and RRMP 62a preventing the transfer of water between uses could be seen as having an economic cost in not allowing the market to determine the highest and best use of the water resource.[6]

13. In this regard, PRWM considers that the Section 32 Report[7] does not include adequate assessment and evaluation of the impacts of the proposed provisions (particularly the assessment of TANK 5 and 6, and Schedule 29) on land uses such as viticulture, and land use changes. In particular, PRWM considers that the Section 32 Report does not adequately consider the economic impacts of the proposed provisions including the nitrogen loss thresholds in Schedule 29 for land uses other than dairying (including in terms of the requirement in section 32 RMA to quantify, if practical, any opportunities for growth or employment that will be provided or reduced as a result of the plan change).

14. In addition, Pernod Ricard is concerned that PC9 may be inconsistent with or inappropriately more stringent than, the new National Policy Statement – Freshwater Management 2020 (NPS-FM 2020) and the new National Environmental Standard – Freshwater (NES-FW), which were released after PC9 was notified but before submissions closed. Pernod Ricard seeks generally that PC9 be amended to give effect to the NPS-FM and achieve consistency with the NES-FW, insofar as this is consistent with the relief sought in the balance of Pernod Ricard's submission.

15. Similarly, Pernod Ricard is concerned that the requirements in PC9 to prepare 'Farm Environment Plans' may be inconsistent with or duplicate requirements under Part 9A RMA to prepare 'Freshwater Farm Plans' under Part 9A of the RMA. As such Pernod Ricard seeks that the PC9 is amended to accommodate or streamline these requirements (for example, PC9 could provide that the requirements as to Farm Environment Plans are deemed to be met by compliance with Part 9A RMA and associated regulations). Finally, PC9 may also need to be amended to reflect the Water Services Bill released 29 July 2020, which may alter the approach of PC9 in relation to Registered Drinking Water Supply and Source Protection Zones.

[5] Section 32 Report, Page 290.

[6] Section 32 Report, Page 293.

[7] Section 32 Report, Topic 1 – Production Land Use Activities, Pages 121-161.

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Relief Sought

16. Pernod Ricard seeks the following relief:
    a. Amendments to PC9 as appropriate to address the general concerns identified above.
    b. Without limiting the generality of the above, the amendments outlined in Appendix 1 to this submission.
    c. Such other, further, consequential or alternative amendments as may be appropriate to address Pernod Ricard's concerns.

Submission at Hearing:

17. Pernod Ricard requests to be heard in support of this submission at a hearing.

18. If others make a similar submission Pernod Ricard will consider presenting a joint case with them at the hearing.

Helen Strachan
Legal and Corporate Affairs Director
Pernod Ricard Winemakers New Zealand

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Appendix 1: Detail of relief sought by Pernod Ricard on Plan Change 9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
Objectives					
1.	**OBJ TANK 1**	Amend	OBJ TANK 1 is worded as a policy, rather than an objective. However, Pernod Ricard does not oppose the substance of this provision.	OBJ TANK 1 should be revised so that it is an outcome statement that responds to an identified resource management issue (but otherwise retained).	
2.	**OBJ TANK 3**	Support	PRWM supports OBJ TANK 3 as currently drafted, particularly clauses (a) and (d) which recognise the effects of climate change and the need for resilience for primary production.	Retain as drafted. Review other concepts in PC9 such as 'actual and reasonable use' to ensure they are also cognisant of the effects of climate change over time.	
3.	**OBJ TANK 6**	Amend	OBJ TANK 6 is also worded as a policy rather than an objective.	OBJ TANK 6 should be revised so that it is an outcome statement that responds to an identified resource management issue. For example: 'the long term water quality objectives in Schedule 27 are achieved over time'.	
4.	**OBJ TANK 7**	Oppose	OBJ TANK 7 as currently drafted implies a requirement for all land uses to reduce contaminant loss including soil loss (i.e. indefinitely, with no acceptable level). PRWM concern is that some land use types, such as viticulture, have existing negligible contaminant losses and	OBJ TANK 7 should be amended to reflect that not all contaminant loss is reducible (or practically reducible beyond a certain point), particularly where there is an existing negligible contaminant loss.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			soil losses and as such would be unable to achieve any reduction of contaminant or soil loss.		
5.	**OBJ TANK 9**	Amend	OBJ TANK 9 is worded as a policy rather than an objective and should be reworded in that respect, however Pernod Ricard does not oppose the substance of this provision.	OBJ TANK 9 should be revised so that it is expressed as an outcome statement that responds to an identified resource management issue.	
6.	**OBJ TANK 10**	Amend	PRWM broadly supports OBJ TANK 10, but seeks that OBJ TANK 10(e) be amended to reflect the corresponding statement in OBJ's TANK 11-14.[1]	OBJ TANK 10(e) should be amended along the lines of 'primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being', consistent with the equivalent objectives for other water bodies in OBJs TANK 11-14.	
7.	**OBJ TANK 11**	Support	PRWM supports OBJ TANK 11 as currently drafted, particularly clause (g) which provides for primary production water needs for community social and economic well-being.	Retain as drafted.	
8.	**OBJ TANK 12**	Support	PRWM supports OBJ TANK 12 as currently drafted, particularly clause	Retain as drafted.	

[1] Being clauses TANK Objectives 11(g), 12(g), 13(f), and 14(b).

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			(g) which provides for primary production water needs for community social and economic well-being.		
9.	**OBJ TANK 13**	Support	PRWM supports OBJ TANK 13 as currently drafted, particularly clause (f) which provides for primary production water needs for community social and economic well-being.	Retain as drafted.	
10.	**OBJ TANK 14**	Support	PRWM supports OBJ TANK 14 as currently drafted, particularly clause (b) which provides for primary production water needs for community social and economic well-being.	Retain as drafted.	
11.	**OBJ TANK 16**	Amend	PRWM broadly supports the intent of OBJ TANK 16, particularly clause (c) insofar as it prioritises water allocation for primary production. However, it considers that the reference to 'versatile soils' here is ambiguous and potentially problematic: • It is not clear if it is intended to refer to the concept of 'versatile land' as defined in Chapter 9 of the RRMP (there is no definition in the RRMP or PC9 of 'versatile soils' as such);	OBJ TANK 16 should be amended to recognise that not all primary production occurs on versatile soils, and/or to clearly include viticulture (even on 'non versatile soils') in the third listed priority (c). For example (*if* it was intended that this objective draw a distinction between versatile and other soils), clause (c) could be amended to read: "primary production on versatile soils, and viticulture on other soils".	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			• If it is, then it is unclear whether primary production on 'non-versatile soils' would fit into any of the stated priorities (i.e. perhaps this should be part of clause (d), but it does not necessarily fit there as currently drafted). Particularly if only a small proportion of the land to which PC9 qualifies as 'versatile', then this provision potentially fails to provide any priority to irrigation over much of this area; • In relation to viticulture in particular, it is considered that high value wine production can occur on soils that might not be always be considered 'versatile'. Not all vineyards are located on 'versatile soils', and OBJ TANK 16 should be amended to reflect this.		
12.	**OBJ TANK 17**	Support	PRWM supports OBJ TANK 17 as currently drafted. However, PRWM has concerns that the general approach of PC9 and its provisions do not align with OBJ TANK 17 in terms of providing for the allocation and use of water that results in efficient water use (clause (c)) and allocation	Consequential amendment is needed to the provisions of PC9 to ensure they align with OBJ TANK 17.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			regimes that are flexible and responsive (clause (d)).		
13.	**OBJ TANK 18**	Support	PRWM supports OBJ TANK 18 as currently drafted. However, PRWM has concerns that the general approach of PC9 and its provisions do not align with OBJ TANK 18 in terms of providing that current and foreseeable water needs are secured through flexible water allocation and management regimes (clause (b)).	Consequential amendment is needed to the provisions of PC9 to ensure they align with OBJ TANK 18.	
14.	**Remaining objectives:** **OBJ TANK 2** **OBJ TANK 4** **OBJ TANK 5** **OBJ TANK 8**	Support	PRWM generally supports these objectives as currently drafted, to the extent that are consistent with the matters raised in its submission.	Retain as drafted.	
Policies					
15.	**5.10.2.1, 5.10.2.3, 5.10.2.6, & 5.10.2.7-16.**	Support	PRWM generally supports these policies as currently drafted, to the extent that they are consistent with the matters raised in its submissions.	Retain as drafted.	
16.	**5.10.2.2**	Support	PRWM supports clause (b) in principle, but seeks further clarification in terms of how flow management regimes are to be implemented in practice.	Further clarification in terms of how flow management regimes are to be implemented in practice.	
17.	**5.10.2.2, 5.10.2.4, &**	Amend	PRWM suggests these policies should be more similar/consistent in their	Review and amend these provisions for consistency (or	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
	5.10.2.5.		wording in relation to sediment, nutrient losses etc, and queries why mana whenua are not listed in 5.10.2.4. PRWM considers these policies should include reference to Schedule 28 in terms of a more direct link to water quality issues.	explain why any different approaches apply to the different water bodies.	
18.	**5.10.3.17**	Amend	Similarly to OBJ TANK 7, Policy 5.10.3.17(a)(iii) implies a requirement/feasibility for all land uses to reduce contaminant loss. PRWM is concerned that some land use types, such as viticulture, have already negligible contaminant losses and as such would be unable to achieve any material reduction of contaminant loss at an individual or industry level in the preparation of a FEP. PRWM also has concerns that 5.10.3.17(a)(iv) is not a feasible or appropriate policy directive for viticulture, which has an already negligible level of nitrogen loss and as such the preparation of a nutrient management plan as per Schedule 30, Section B, 2.3 is not	PRWM seeks that 5.10.3.17(iii) and (iv) be amended to differentiate between high and low contaminant and nitrogen loss land uses. This could be amended through reference to Schedules 29/30 which may themselves require consequential amendments.	OBJ TANK 7 Schedule 29 Schedule 30, Section B, 2.3

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			feasible/applicable to the viticulture industry at an individual or industry level in the preparation of a FEP.		
19.	**5.10.3.18**	Amend	PRWM has concerns about clause (c) as grapes have a low nitrogen loss, and therefore any change in land use would result in an increased nitrogen loss. This could unduly lock-in land uses/ constrains land use change and unfairly disadvantages viticulture which as a low nitrogen source.	PRWM seeks that 5.10.3.18(c) be amended to differentiate between high and low nitrogen loss land uses (i.e. in terms of what the new use would be). This could be amended through reference to Schedules 29.	5.10.3.21 Schedule 29
20.	**5.10.3.19**	Amend	Similarly to 5.10.3.17(a)(iv), PRWM has concerns that 5.10.3.19 is not a feasible/applicable policy directive for viticulture which has an already negligible level of nitrogen loss and as such the preparation of a nutrient management plan as per Schedule 30, Section B, 2.3 is not feasible/applicable to the viticulture industry at an individual or industry level in the preparation of a FEP. In addition, this requirement if applied to viticulture could be (inappropriately) more stringent than the requirement to prepare freshwater farm plans under new Part 9A of the RMA (and associated regulations).	PRWM seeks that 5.10.3.19 be amended to differentiate between high and low nitrogen loss land uses. This could be amended through reference to Schedules 29/30 which may themselves require consequential amendments. In addition, PC9 should acknowledge the requirements for FMPs under Part 9 RMA and ensure the plan provisions are not inconsistent or more stringent than these.	5.10.3.17(a)(iv) Schedule 29 Schedule 30, Section B, 2.3

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
21.	**5.10.3.20, 5.10.3.22, 5.10.3.23, & 5.10.3.26.**	Support	PRWM broadly supports these provisions, insofar as they relate to the relief sought in the body of the submission above.	Retain as drafted.	
22.	**5.10.3.21**	Amend	PRWM has concerns about clause (d) as grapes have low nitrogen loss, and therefore any change in land use would result in an increased nitrogen loss. This unduly locks-in land uses/ constrains land use change and unfairly disadvantages viticulture which is a low nitrogen source.	PRWM seeks that 5.10.3.21(d) be amended to differentiate between high and low nitrogen loss land uses. This could be amended through reference to Schedules 29.	5.10.3.18 Schedule 29
23.	**5.10.3.24**	Amend	There are inconsistent references to both 'Landowner Collective' and 'Catchment Collective' – assuming that these are intended to be the same.	Amend PC9 to use one term consistently throughout PC9, and add appropriate definitions. For example, it would be beneficial to add 'Catchment Collective' and 'Industry Group' to the Glossary. Likewise it would be beneficial to add 'Catchment Collective Programme' and 'Industry Programme' to the Glossary either as standalone terms or incorporated within the definition of Farm Environment Plan.	Throughout PC9 Glossary
24.	**5.10.3.25**		PRWM seeks clarification on how HBRC can/will 'require' the development and implementation of a Farm Environment Plan,	Clarification on how/when FEP's can/will be required. Where possible this needs to be consistent with any applicable requirements	TANK 1 and 2

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			particularly for existing land uses in relation to TANK 1 and 2. PRWM also considers the reference to a 'landowner' is too narrow, and may not cover circumstances where operations are leased or managed by someone who is not the landowner.	to prepare a FMP under new Part 9A RMA. Amendments to the policy so that it is not confined to land owners and instead could apply where the leaseholder or operator of a Programme or Collective.	
25.	**5.10.3.27**	Amend	PRWM considers that Table 1 of Policy 5.10.3.27 should have a more consistent approach for milestone timeframes. i.e. some milestones do not have a timeframe reference at all, some have a reference to years from the operative date, others indirectly refer to dates in a schedule, whilst stock exclusion is to occur by 2023. In addition, PRWM considers that Table 1 should include timeframes for the preparation of Farm Environment Plans relating to priority catchments. PRWM considers that a timeframe for the implementation plan to be developed should be set out in an approach similar to that of POL TT16 of the RRMP.	Table 1 of 5.10.3.27 should be amended to provide a consistent and comprehensive approach to milestones and timeframes. The timeframe for the implementation plan to be developed should be set out in an approach similar to that of POL TT16 of the RRMP.	
26.	**5.10.5.33-35.**	Support	PRWM broadly supports these provisions, insofar as they relate to	Retain as drafted	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the relief sought in the body of the submission above.		
27.	**5.10.6.36(f)**	Amend	PRWM does not consider that Policy 5.10.6.36(f) (which is to not allow new water use in the Heretaunga Plains Water Management Unit) aligns with Policy 5.10.7.45(a) (which is to provide for the release and use of water stored during high flows). 5.10.6.36(f) is unduly restrictive in prohibiting any new water use, including the use of new water stored under the high flow allocation provisions. 5.10.6.36(f) also does not align with OBJ TANK 17(d) which directs 'allocation regimes that are flexible and responsive, allowing water users to make efficient use of this finite resource'.	Amend 5.10.6.36(f) along the lines of 'avoiding further adverse effects by encouraging efficiency' OR 'avoiding further adverse effects by not allowing new water use, excluding water made available through high flow take and release' (to align with 5.10.7.45(a)).	5.10.7.45(a)
28.	**5.10.6.36(g)**	Amend	5.10.6.36(g) which is to reduce existing water use, is unduly restrictive, including because it will effectively prohibit any new water use. PRWM considers that 5.10.6.36(g) as currently drafted fails to	Amend 5.10.6.36(g) along the lines of 'encouraging efficient water use'.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			acknowledge that 'existing levels of water use' (which are estimated at 78 million cubic meters) is within the modelled sustainable limit of 90 million cubic meters.[2] As such, the policy directive of 'reducing existing levels of water use' fails to recognise that for the Heretaunga Plains WMU the focus should be on reducing the allocation limit, as groundwater is overallocated based on cumulative consented volume rather than the cumulative consented actual and reasonable use. 5.10.6.36(g) should be amended to reflect OBJ TANK 17 along the lines of 'encouraging efficient water use'.		
29.	**5.10.6.37 – general approach**	Oppose	Particular concerns with this policy are noted below. However in broad terms PRWM is concerned that PC9 (including this policy) unduly locks-in existing viticultural land uses because they have an existing low water usage, and the provisions of PC9 would unduly restrict any change in land use and/or crop density, and the ability to obtain more water than currently allocated due to the	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of water (see submission point 100 below).	Glossary – definition of actual and reasonable

[2] Section 32 Report, Page 274.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			definition of actual and reasonable. This approach would not allow for intensification – or allow for more efficient use of resources. Whereas other land uses and permit holders would continue to have a high volume of water allocation and could more readily and easily switch land uses or crops. This raises issues of equity, in terms of the capital value of the land use and allocated water would make it easier and/or more worthwhile for some land users to convert to another land use with less water usage, whilst unduly restricting land uses with an existing low water usage from intensifying or converting. PRWM has concerns that this locking-in of land use (and water) may unduly limit viticulture intensification i.e. planting density or reestablishment, or prohibit a change to another land use, given that grapes require approximately three times less water than other crops. It could be possible to switch land use but this would have to be on a much smaller land area (e.g. 30ha of grapes		

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			could only translate, in terms of water use, to 3ha of apples).		
30.	**5.10.6.37(a)**	Amend	PRWM considers that the interim allocation limit of 90 million cubic meters is a reasonable starting point, given that this reflects an assessment of what was taken from groundwater in the summer of 2012-2013.[3] However, PRWM does not consider that 5.10.6.37(a) can refer to 90 million m3 as necessarily reflecting 'actual and reasonable' use (as that term is defined in the Glossary) given that this is a modelled number, and that the Section 32 Report states that 'There is uncertainty that 90 million m^3 is reflective of actual and reasonable use until existing takes have been reviewed and quantified'.[4] PRWM has concerns about how the interim allocation limit of 90 million cubic meters aligns with the other provisions of PC9. The allocation limit in Schedule 31 for the HPWMU is 'existing use only' which as per Note 1 of Schedule 31 is defined as 'actual	5.10.6.37(a) should be amended along the lines of 'adopt an interim allocation limit of 90 million cubic meters per year based on *estimated/modelled* water use prior to 2017'. Clarification on how the interim allocation limit of 90 million cubic meters aligns with the provisions of PC9, particularly Schedule 31.	

[3] Section 32 Report, Page 274
[4] Section 32 Report, Page 274

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			and reasonable use'. It is not clear how 5.10.6.37(a) aligns with Schedule 31.		
31.	**5.10.6.37(b)**	Oppose	PRWM considers that as currently drafted, Policy 5.10.6.37(b) effectively directs that any re-allocation (including any new takes of groundwater or surface water of any kind within the HPWMU) is to be avoided (i.e. prohibited). PWRM opposes the 'avoid' directive of 5.10.6.37(b) and considers that this unduly restricts any efficient use and re-allocation of already-allocated water (including for new takes) that may be available (i.e. consented but unused) within the sustainable 90 million cubic meters interim limit. The 'avoid' directive does not align with OBJ TANK 17 which promotes efficient water use and allocation regimes that are flexible and responsive. It is unduly restrictive to prohibit any re-allocation (including new takes) of water, even in circumstances where this would be within the 90 million cubic meters interim allocation limit.	5.10.6.37(b) should be amended along the lines of 'restrict or limit re-allocation of any allocated but unused groundwater that might become available within the interim groundwater allocation limit'. The term 're-allocation' also needs to be either defined or clarified in the provisions; PRWM submits that in the context of this policy it should be confined to redistribution of previously allocated water to new users, and not apply to standard replacement consent applications.	5.10.6.38 5.10.7.48(f) 5.10.7.52(f)

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			For any new takes, if actual and reasonable use can be demonstrated, and the take can be encompassed within the interim limit (i.e. through a re-allocation), then the efficient use and re-allocation of groundwater should not be prohibited. The application of this policy is also unclear because the term 're-allocation' is not defined in PC9 or the RRMP (or the RMA), and appears to be used in different ways in different provisions. For example, the term in this policy (which refers to water 'becoming available') could be read as simply meaning the allocation to a new user of the amount of water that was previously allocated to someone else, on the expiry of the second person's consent. On the other hand, rule TANK 10 refers to 're-allocation' in the context of 'replacement consents' (i.e. applications to which section 124 RMA applies). That would give the policy much wider application to apply to all replacement consent		

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			applications (as well as the redistribution of previously allocated water to new users). It is important that this concept is clarified. PRWM also opposes 5.10.6.37(b) on the basis that it is unclear when a 'review of the relevant allocation limits' is intended to occur, and this is not something that water users would have any control over.		
32.	**5.10.6.37(c)**	Amend	PRWM supports the intent of Policy 5.10.6.37(c), however considers that this clause should be amended to acknowledge that the HPWMU is over-allocated based on cumulative consented volume, but not on cumulative consented actual use. It is unduly restrictive to prevent any new allocations of water, even if within the 90 million cubic meters interim allocation limit. For any new allocations, if actual and reasonable use can be demonstrated, and the take can be encompassed within the interim limit, then the efficient use and re-allocation of groundwater should not be prevented. New allocations	5.10.6.37(c) should be amended along the lines of 'manage the Heretaunga Plains Water Management Unit as an over-allocated management unit (based on cumulative consented volume) and prevent any new allocations of groundwater above the interim allocation limit'.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			should only be prevented where that take would exceed the interim allocation limit.		
33.	**5.10.6.37(d)(i)**	Amend	PRWM has interpreted Policy 5.10.6.37(d)(i) to mean that the consented volume should be expressed in cubic metres per year/irrigation season, as opposed to alternatives such as volume per day or week which may be present in some resource consents. PRWM considers that 5.10.6.37(d) is of relevance to all applications, rather than just those located within the HPWMU.	5.10.6.37(d) should be amended to reflect its intent more clearly.	
34.	**5.10.6.37(d)(ii)**	Amend	In terms of 5.10.6.37(d)(ii), PRWM supports the intent of this policy in principle, however opposes the definition of actual and reasonable for the HPWMU being the ten years up to August 2017, as this excludes the severe drought in 2019/2020 and more recent improved water meter data.	5.10.6.37(d) should also be expressed as a standalone policy so as to apply to all applications rather than just those located within the HPWMU.	Glossary – definition of actual and reasonable
35.	**5.10.6.38**	Amend	PRWM considers that as currently drafted, Policy 5.10.6.38 directs that any re-allocation is to be avoided (i.e. prohibited). 5.10.6.38 should be amended along the lines of 'restrict	5.10.6.38 should be amended along the lines of 'restrict the re-allocation of allocated but unused groundwater…'	5.10.6.37(b) 5.10.7.48(f) 5.10.7.52(f)

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the re-allocation of allocated but unused water…' which aligns with the approach to over-allocation in 5.10.7.48(f) and 5.10.7.52(f) and proposed amendment to 5.10.6.37(b). Again the application of this policy is not clear on its face, including because of ambiguity with regard to the meaning of 're-allocation' (as noted above at submission point 31). In addition, the word 'restrict' could be read to mean 'limit or constrain', or alternatively as 'to confine' (i.e. only allow re-allocation to the specified class of persons). PRWM considers that such fundamental interpretation issues should be clear on the face of the policy (or at least, via an explanatory note included in the RRMP – it is not good practice for the policies to require recourse to the section 32 report or other background documents (with no legal status once the time comes to apply these provisions).	As above it is also necessary to define or clarify the meaning of the term 're-allocation'.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PRWM also considers that 5.10.6.38 should only restrict the re-allocation of *groundwater* in the HPWMU, rather than the re-allocation of any water, which may include water taken at times of high flow and stored and released for subsequent use.		
36.	**5.10.6.39**	Oppose	PRWM has concerns about whether the intent of 5.10.6.39 is that a groundwater abstraction in the HPWMU will be subject to cease takes until such time that there are operating stream flow maintenance schemes. Or is the intent, as per 5.10.6.39(a)(ii), that when assessing applications, HBRC will consider whether consent holders are *developing* a stream flow maintenance scheme. In addition, the current drafting of 5.10.6.39(a), 5.10.7.45(d), TANK 9(f), and Schedule 36 could be taken to suggest that as long as a permit holder is contributing to a flow maintenance scheme then they can continue to access the full extent of their take and are not subject to cease takes even when the stream	Clarification of the intent of 5.10.6.39.	5.10.7.45(d) TANK 9 Schedule 36

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			falls below the specified trigger in Schedule 31.		
37.	**New policy/clause for avoiding the death of crops.**		PRWM has concerns that 5.10.6.39 does not align with OBJ TANK 17(d) or OBJ TANK 18(b) in terms of flexible and responsive allocation regimes which allow users to make efficient use of the finite resource – particularly in relation to cease takes. PRWM considers that that there should be a policy/clause which provides for water to be taken during cease takes and minimum flows for the purpose of avoiding the death of crops. This policy could be similar to POL TT9(1)(f)(iva) of the RRMP which relates to the Tukituki catchment.	Insert a new policy/clause that reflects POL TT9(1)(f)(iva) of the RRMP. This should allow 'the taking of water authorised for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops shall be allowed to occur to any extent allowed by conditions of consent…'	5.10.7.45(d)(ii)
38.	**New Policy/clause for assessing stream depletion effect**		Notably Policy 5.10.6.39(b) seems to envisage some assessment of the extent to which a given water take is in fact stream depleting, but Schedule 31 appears to require takes to cease entirely (or be reduced universally) when trigger levels are reached, rather than be progressively reduced in a way that is proportional to their contribution to stream depletion. In this respect Pernod Ricard considers there should be a	Insert a new policy/clause that reflects POL TT11 of the RRMP.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			policy/clause that provides for water to be restricted in a way that is commensurate with the degree of stream depletion for reach take. This policy could be similar to POL TT11 of the RRMP which relates to the Tukituki catchment.		
39.	**5.10.6.40**	Support	PRWM broadly supports these provisions, insofar as they relate to the relief sought in the body of the submission above.	Retain as drafted	
40.	**5.10.6.41**	Oppose	PRWM opposes Policy 5.10.6.41 on the basis that *fully* offsetting the cumulative effects of groundwater takes in the HPWMU on the Ngaruroro River is not rational, irrespective of whether it is feasible. It is acknowledged in the Section 32 Report that the option of flow maintenance from groundwater pumping was not considered feasible because of the high level of pumping that would be required.[5] PRWM understands that the cumulative effects of groundwater takes have been modelled by HBRC as 1000L/s,[6]	Amend the policy to refer to offsetting 'in full or in part' (or equivalent language to indicate that something less than a 100% offset would be able to be considered).	

[5] Section 32 Report, Page 278

[6] Heretaunga Aquifer Groundwater Model Scenarios Report, August 2018, at page 10 (Report available at https://www.hbrc.govt.nz/assets/Document-Library/Publications-Database/5018-Heretaunga-Aquifer-Groundwater-Model-Scenarios-Report-final.pdf).

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			which would require a substantial investment and undertaking to store and release, with unknown effects on the naturalised flow.		
41.	**5.10.6.42**	Amend	Policy 5.10.6.42 as drafted does not recognise augmentation schemes which may arise and are encouraged through Policies 5.10.7.52 and 5.10.7.56. 5.10.6.42(d) and (e)(ii) should be amended to recognise augmentation schemes in addition to stream flow maintenance and habitat enhancement schemes. In addition, this policy and PC9 more generally do not define or explain the relationship (if any) between the concepts of 'augmentation' and 'stream flow maintenance'. In particular, it is not clear on the face of the PC9 provisions whether 'augmentation' refers to augmenting surface water with stored water (or groundwater), or to augmenting irrigation water with stored water.	Policy 5.10.6.42(d) should be amended along the lines of 'the extent of any stream flow maintenance, augmentation, or habitat enhancement schemes'. Policy 5.10.6.42(e)(ii) should be amended along the lines of 'effectiveness of stream flow maintenance schemes and augmentation schemes in maintaining water flows and improving water quality'.	5.10.7.52 5.10.7.56
42.	**5.10.7.43(d),(h), and (k)**	Oppose	PRWM is concerned that this policy, together with associated provisions, unduly locks in existing viticultural	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of	Glossary – definition of actual and reasonable.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			land uses and/or low rates of irrigation, in the manner described in the body of the submission and submission point 29 above.	water (see submission point 100 below).	
43.	**5.10.7.44, & 5.10.7.50**	Support	PRWM broadly supports these provisions, insofar as they relate to the relief sought in the body of the submission above.	Retain as drafted.	
44.	**5.10.7.45**	Support	PRWM supports 5.10.7.45(a). However, PRWM does not consider that the policy directive of 5.10.7.45(a) is carried through or aligned with other parts of PC9 including 5.10.6.36(f) and 5.10.7.52(a).	Retain clause 5.10.7.45(a) as drafted. PRWM considers that consequential amendment is needed to 5.10.6.36(f) and 5.10.7.52(a) in order to reflect and align these policies with 5.10.7.45(a).	5.10.6.36(f) 5.10.7.52(a)
45.	**5.10.7.45(d)(ii)**	Oppose	In addition, PRWM has concerns that 5.10.7.45(d)(ii) does not align with or achieve OBJ TANK 17(d) or OBJ TANK 18(b) in terms of flexible and responsive allocation regimes which allow users to make efficient use of the finite resource – particularly in relation to the requirement to cease takes.	5.10.7.45(d)(ii) should be amended to reflect POL TT9(1)(f)(iva) of the RRMP, along the lines of 'require the water take to cease when the minimum flow is reached in the relevant zone, excluding the taking of water for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops should be exempt from cease takes…'	5.10.6.39 TANK 9
46.	**5.10.7.46**	Support	PRWM generally supports 5.10.7.46 (subject to the points below), and	Retain Policy 5.10.7.46 as drafted. Make consequential changes to	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			considers that 5.10.7.46(a) and (c) in particular align with OBJ TANK 17. However PRWM does not consider that this policy directive is carried through the remainder of PC9.	other parts of PC9 to reflect this policy.	
47.	5.10.7.46(b)	Amend	5.10.7.46(b) says actual and reasonable requirements rather than actual and reasonable use. PRWM considers that this should be amended, on the assumption that this is intended to refer to the defined term in the Glossary. '	Amend 5.10.7.46(b) to refer to actual and reasonable use, rather than actual and reasonable requirements.	Glossary – definition of actual and reasonable. TANK 9(c) TANK 10(e)
48.	**5.10.7.46(b)**	Oppose	PRWM is concerned that this policy, together with associated provisions, unduly locks in existing viticultural land uses and/or low rates of irrigation, in the manner described in the body of the submission and submission point 29 above.	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of water (see submission point 100 below).	
49.	**5.10.7.47**	Support	PRWM generally supports Policy 5.10.7.47, but has concerns about how IRRICALC is referenced in PC9 – in that it is presented as the preferred or only model to be used, and arguably purports to incorporate that model by reference (which, under Part 3 of Schedule 1 RMA, would mean that it cannot be	The relief sought is that the Glossary and Policy 47 are amended to 'as specified by a consistent and appropriate water demand model', where IRRICALC can be included as an example.	Glossary – definition of actual and reasonable.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			updated to reflect refinements in the future without going through a plan change process). PRWM seeks that other methods of establishing actual and reasonable use are not precluded. PRWM considers that it would be appropriate to allow other water demand models to be used, without the prerequisite of: 'if it is available for the crop' (Glossary) or 'if available for the land use being applied for' (Policy 47). While the proposed definition of 'actual and reasonable' in the PC9 Glossary does envisage 'equivalent methods' may sometimes be used, this appears to be only if IRRICALC is not available. PRWM considers that PC6 (Schedule XVIII of the operative plan) is an appropriate approach which provides for use of a 'consistent and appropriate scientific methodology' noting that this 'enables appropriate adjustments to model inputs to reflect particular circumstances'.		
50.	**5.10.7.48(e)**	Support	5.10.7.48(e) provides for the retention of irrigation water	Retain the substance of the policy but consider whether exceptions	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			availability for primary production in the Heretaunga Plains. PRWM supports this policy in principle, however has concerns that 5.10.7.48(e) may unduly restrict land use change/transfers in terms of the capital value of water use for other land uses and end water uses compared to viticulture.	could be allowed in respect of clause (e).	
51.	**5.10.7.48(f)**	Oppose	This policy direction, of relevance to RRMP 62a in particular, will have significant economic impacts by preventing new or expanding irrigation dependant crops to be established, given that all groundwater resources in Schedule 31 are existing use only. This means that the only means of obtaining 'new' water would be through a transfer. However, under 5.10.7.48(f) a transfer cannot comprise allocated but unused water, which raises significant concerns about PC9's approach to promoting improvement/ efficiencies in land use practices in order that water can be 'freed' up for other expanding or new land uses. It is also unclear in	Clause (f) should be amended to 'in Water Quality Management Units that are over-allocated, ensuring that transfers do not result in increased water use at the WMU level'.	RRMP 62a TANK 12 Schedule 31

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			what circumstances and to what extent water will be considered 'unused' (for example whether the consent would have to be wholly or substantially unused, or whether the intention is to reduce all take volumes to 'actual past use' before transfer; PRWM considers this approach is inappropriate if the transfer is from one point of take to another, for use by the same operator). PRWM has concerns about how this overall prohibitive approach will disadvantage those land uses which have an existing low and efficient water usage compared to land uses with a high-water usage who could more readily reduce/sell/transfer water. This raises concerns about the capital value of high water use existing land uses, and the inability for the market to determine the highest and best use of the water resource.		
52.	**5.10.7.48(g)**	Oppose	Oppose clause (g) in full: 'declining applications for a change of use from frost protection to any other end use'. PRWM supports this policy in	Clause (g) be deleted.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			principle, however has concerns that 5.10.7.48(g) may unduly restrict land use change/transfers in terms of the capital value of water use for other land uses and end water uses compared to vititculture.		
53.	**5.10.7.49**	Oppose	PRWM has concerns about how the common expiry dates for each water management zone of PC9 relate to existing expiry dates of the RRMP – given the new system and proposed new system group consents in different ways.	Amend 5.10.7.49 or create a new policy to address the cumulative effects of grouped consents that are likely to be more than minor and trigger s95 public notification.	Schedule 33
54.	**5.10.7.51**	Amend	PRWM supports 5.10.7.51 in principle, particularly clause (d) which recognises and provides for water essential for survival of horticultural tree crops as the fourth priority in relation to water shortage directions (but considers it should be expanded to clearly encompass vineyards). PWRM considers this approach is consistent with the relief it is seeking in relation to the operation of	5.10.7.51 should be amended to include primary sector representatives to make decisions about providing for water uses. 5.10.7.51(d) should be amended to either: 'water essential for survival of horticultural and viticultural crops' or 'water essential for survival of horticultural tree and vine crops'.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			minimum flow restrictions more generally, as per POL TT9(1)(f)(iva) of the RRMP (which relates to the Tukituki catchment).	Expand the approach of providing for horticultural and viticultural crops to minim flow restrictions generally (not just water shortage directions), including in relation to Policy 5.10.6.39 and the new policy sought by PWRM above.	
55.	**5.10.7.52**	Amend	PRWM does not consider that 5.10.7.52(a) aligns with 5.10.7.45(a).	5.10.7.52(a) should be amended along the lines of 'preventing any new allocation of water excluding water taken at times of high flow and stored and released for subsequent use (not including any reallocation in respect of permits issued before 2 May 2020)'. Amend 5.10.7.52(b)(i) to refer to "actual and reasonable use", rather than actual and reasonable need (if this has the same intent/definition)	5.10.7.45(a)
56.	**5.10.7.52(b)(i)**	Oppose	PRWM is concerned that this policy, together with associated provisions, unduly locks in existing viticultural land uses and/or low rates of irrigation, in the manner described in the body of the submission and submission point 29 above.	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of water (see submission point 100 below).	Glossary – definition of actual and reasonable. TANK 9(c) TANK 10(e)
57.	**5.10.7.53**	Amend	PRWM supports 5.10.7.53 in principle, although considers that	Amend 5.10.7.53 to recognise that takes for frost protection are	TANK 11

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			this policy should more explicitly set out that takes for frost protection are excluded from the total allocation limits in Schedule 31.	excluded from the total allocation limits in Schedule 31.	Schedule 31
58.	**5.10.8.54, & 5.10.8.56-59.**	Support	PRWM broadly supports these provisions, insofar as they relate to the relief sought in the body of the submission above.	Retain as drafted	
59.	**5.10.8.55**	Support	PRWM supports 5.10.8.55 as currently drafted, particularly clause (b)(x).	Retain as drafted.	
60.	**5.10.8.60**	Amend	PRWM considers the application of 5.10.8.60 is currently unclear, in terms of whether it is intended to apply to all applications for high-flow takes under rule TANK 13 or only the applications contemplated by policy 5.10.8.59. If these considerations were intended to apply to all applications under TANK 13, PRWM suggests the policy needs to make that clear and also queries whether the policy should only apply to takes or schemes above a certain size.	Amend 5.10.8.60 in order to clarify that (b)-(f) only relate to decisions about applications relating to 5.10.8.59, and for all other applications to take and store high water flow – only 5.10.8.60(a) applies. Or conversely, if it is intended to apply more generally, clarify this and also consider whether it would be appropriate to confine these requirements to takes over a certain threshold.	5.10.8.59
TANK Rules					
61.	**TANK 1 and 2 – Use of**	Amend	PRWM seeks clarification on how HBRC can/will 'require' the development and implementation of	Clarification on how/when FEP's can/will be required.	5.10.3.25 Schedule 28

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
	Production Land		a Farm Environment Plan, particularly for existing land uses (including as a permitted activity under TANK 1). Timeframes: It is not clear when Council will require FEP's to be developed and implemented under TANK 1 and 2 given that the priorities under Schedule 30 have various timeframes. I.e. it could be that TANK 1 and 2 are not triggered until the 9 year timeframe for low priority catchments is reached – as it may not be until this time that it can be determined whether a landowner has in fact meet the requirement to prepare a FEP under 5.10.3.25 and the timeframes under Schedule 28. Alternatively, it could be that HBRC could only require/enforce consent under TANK 2 after 3 years (i.e. the minimum period in which a land owner would have to prepare a Farm Environment Plan). Intent: It is not clear whether the intent of TANK 2 is to only require consent once the timeframes of Schedule 28 are reached, or whether		Schedule 30

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the intent is that if a landowner is not part of an Industry Group or Catchment Collective at all (irrespective of whether they have or are in the process of preparing a FEP) that resource consent is immediately required under TANK 2. It is not clear whether the intent of TANK 1(b) (and therefore the trigger for Controlled Activity under TANK 2) is that a landowner must prepare an individual FEP immediately within the timeframes of Schedule 28 under TANK 1(b)(2) OR under TANK 1(b)(1) just be a member of an Industry Group or Catchment Collective (irrespective of whether the Industry Group or Catchment Collective have or are in the process of preparing a FEP).		
62.	**TANK 5 – Use of Production Land**	Amend	The wording of TANK 5 (and TANK 6) in the activity column is 'the changing of a use of production land on farm properties' which would appear to mean a land use change (e.g. from grapes to dairy). In contrast, the Conditions/ Standards/ Terms column of TANK 5 (and TANK 6) is worded as 'Any	TANK 5 requires further clarification and/or guidance in terms of what constitutes a 'change to the production land use activity'. This could be achieved by defining 'change of use' or 'land use change' in the Glossary.	OBJ TANK 7 TANK 6 TANK 9 Schedule 26 Schedule 29

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			change to the production land use activity', which could be taken to suggest that these rules apply whenever 'any' change is made to an existing land use activity rather than a change between land use activities. PRWM considers that the Section 32 Report has not adequately addressed this aspect, but merely noted the difficulty in defining land use change.[7] It is therefore unclear whether 'change' is intended to include operational changes (such as planting density) or simply the change in category of use from (for example) 'land use type' in Table 1 of Schedule 29 to another. A particular concern for PRWM is whether an increase in the density of vines or reestablishment of a vineyard would trigger TANK 5 (or TANK 6) as a 'change' to the production land use activity. PRWM considers that vine planting density or reestablishment should not trigger a change in land use so long as Policy 21, Schedule 26 and	As currently drafted, there is a high degree of uncertainty about what changes are intended to be controlled.	

[7] Section 32 Report, Page 138

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			Schedule 29 in relation to nitrogen losses are met. This relates back to OBJ TANK 7 which infers a requirement for all land uses to reduce contaminant loss including soil loss. PRWM concern is that some land use types, such as viticulture, have existing negligible contaminant losses and soil losses and as such would be unable to achieve any reduction of contaminant or soil loss.		
63.		Oppose	The approach to different management of the same land use is not clear e.g. change in intensity, or between organic and conventional farming. Any change to planting density or reestablishment is likely to require an increase in water– which would likely require greater efficiency of existing water allocation. TANK 9 includes an advisory note that 'Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 5 or 6'. PRWM has concerns that this locking-in of land use (and water) may unduly limit viticulture intensification i.e. planting density, or prohibit a change to another land		TANK 9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			use i.e. grape to apples or dairy, given that grapes require approximately three times less water than other crops. The capital value of the land use and allocated water would make it easier and/or more worthwhile for other land users to convert to another land use with less water usage, whilst unduly restricting land uses with an existing low water usage from intensifying or converting.		
64.	**TANK 6 – Use of Production Land**	Amend	TANK 6 provides that a change of land use over more than 10 ha is a restricted discretionary if the requirements of TANK 5 (including preparation of a CCP) are not complied with, or the nitrogen loss increases by more than the amount specified in Schedule 29. It is not clear in the drafting of TANK 6 if both conditions have to be met before TANK 6 applies – i.e. it could be read that TANK 6 and Restricted Discretionary status applies when either condition a) and/or condition b) is met. (i.e. so that, even if the conditions of TANK 5 are met an activity would still fall under TANK 6	Further guidance is required throughout PC9 about whether the Conditions/Standards/Terms are intended to be an 'and', 'or' or 'either' etc approach. Generally the rules do not 'cascade' particularly well, and there are several instances where some of the conditions/terms would be better located in the "activity" column instead (i.e. because they describe the circumstances in which the rule applies, rather than its requirements).	TANK 5 General drafting comment.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			if the threshold increase in nitrogen is exceeded (which is not itself a condition of TANK 5)).		
65.		Oppose	TANK 6 is inherently tied to land use / nutrient leaching rates. PRWM is concerned that PC9's approach unduly locks-in land uses/ constrains land use change and unfairly disadvantages viticulture which has a low nitrogen source. PRWM considers that the Section 32 Report has not adequately addressed this aspect, but merely noted the issue.[8] PRWM considers that Option 3[9] may be a more appropriate approach by defining the types of change and activities that will be subject to consent requirements, rather than a blanket approach based on kg increase across a property.	TANK 6 and the related nitrogen loss provisions are amended.	5.10.3.18 5.10.3.21 Schedule 29
66.	**TANK 7 – Surface Water Take**	Support	TANK 15 appears to provide that takes and use of water from storage are a Discretionary Activity on the basis that the activity does not comply with TANK 7. PRWM considers that TANK 7 should in the 'Rule' and/or 'Activity' column	Clarify in the 'Rule' and/or 'Activity' column of TANK 7 that TANK 7 provides for takes from water storage/impoundments.	

[8] Section 32 Report, Page 138
[9] Section 32 Report, Page 140

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			acknowledge that TANK 7 provides for takes from water storage/impoundments (if this is in fact the intent/correct interpretation).		
67.	**TANK 9 – Groundwater Take – Heretaunga Plains** (replacement consents – HPWMU)	Amend	PRWM broadly supports the approach in TANK 9, however, any change to planting density or reestablishment is likely to require an increase in water– which would likely require greater efficiency of existing water allocation. TANK 9 includes an advisory note that 'Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 5 or 6'. PRWM has concerns that this locking-in of land use (and water), if intended, would unduly limit viticulture intensification i.e. planting density, or prohibit a change to another land use e.g. grapes to apples or dairy, given that grapes require approximately three times less water than other crops. TANK 9 would unduly restrict a consent holder from the efficient and sustainable use of production land should the consent holder wish to	PRWM seeks changes to this policy and the definition of 'actual and reasonable' to allow sufficient water to enable increases in intensification (e.g. reduction in vineyard row spacing) where this can be shown to represent a more efficient use of water. In essence, PRWM is concerned that the proposed approach is too rigid, and instead seeks sufficient flexibility in the provisions to enable the best or most efficient use of water, and overall best outcomes for freshwater management.	TANK 5 TANK 6 5.10.6.37(d)

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			alter the land use (e.g. greater planting density or change crop type) but is unable to obtain the increase in water required under TANK 9 as it does not reflect the actual and reasonable use from the previous years. The capital value of the land use and allocated water would make it easier and/or more worthwhile for other land users to convert to another land use with less water usage, whilst unduly restricting land uses with an existing low water usage from intensifying or converting land uses.		
68.	**TANK 9(c)-(e)**	Amend	PRWM supports the intent of TANK 9(c)-(e), however has concerns as to why the quantity taken and used for irrigation is assessed against the definition of "actual and reasonable", but other takes are assessed under (e). As the definition of actual and reasonable relates to all takes, not just irrigation, it would seem appropriate to amend TANK 9 so that all takes are either the actual and reasonable amount or any lesser quantity applied for.	Amend TANK 9 along the lines of: **Actual and Reasonable Re-allocation** c) The quantity taken and used, other than provided for under d) is: (i) the **actual and reasonable** amount; or (ii) any lesser quantity applied for. d) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or	Glossary – definition of actual and reasonable.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PRWM also opposes the definition of actual and reasonable as currently defined.	(ii) any lesser quantity applied for.	
69.	**TANK 9(f)**	Oppose	PRWM supports the idea of stream flow maintenance schemes, however, has concerns about the intent of TANK 9(f), Schedule 36, and the operation of schemes in practice. The current drafting of TANK 9(f), 5.10.6.39(a), 5.10.7.45(d), and Schedule 36 infers that as long as a permit holder is contributing to a flow maintenance scheme then they can continue to access the full extent of their take and are not subject to cease takes even when the stream falls below the specified trigger in Schedule 31.	Clarification on the intent and operation of flow maintenance schemes.	5.10.6.39(a) 5.10.7.45(d) Schedule 36
70.	**TANK 9(f)(ii)**	Oppose	(f)(ii): PRWM considers that PC9 does not account for a situation where a permit holder does not contribute to a stream flow maintenance scheme, yet through others contributing to a scheme in the vicinity, is consequently not subject to any cease due to the collective effort of others in preventing low flows (if this is in fact the correct interpretation of the process).	Amend TANK 9 to allow that the taking of water for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops should be exempt from cease takes. Also amend TANK 9 and related provisions to account for the extent to which groundwater takes	OBJ TANK 17 OBJ TANK 18

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PRWM has concerns that TANK 9(f)(ii) does not align with OBJ TANK 17(d) or OBJ TANK 18(b) in terms of flexible and responsive allocation regimes which allow users to make efficient use of the finite resource – particularly in relation to cease takes. TANK 9(f)(i) and associated policies should be amended to reflect POL TT9(1)(f)(iva) of the RRMP, along the lines of 'require the water take to cease when the minimum flow is reached in the relevant zone, excluding the taking of water for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops should be exempt from cease takes…'	have a stream depleting effect on the surface water body.	
71.	**TANK 10 – Surface and groundwater water takes (abstraction at low flows)**	Amend	PRWM supports the intent of TANK 10(e)-(g), however it has concerns as to why the quantity taken and used for irrigation is assessed against the definition of actual and reasonable, but other takes are assessed under (g). As the definition of actual and reasonable relates to all takes, not just irrigation, it would seem appropriate to amend TANK 10 so that all takes are either the actual	Amend TANK 10 along the lines of: **Actual and Reasonable Re-allocation** e) The quantity taken and used, other than provided for under d) is: (i) the **actual and reasonable** amount; or (ii) any lesser quantity applied for. f) The quantity taken and used for municipal, community and	Glossary – definition of actual and reasonable.

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			and reasonable amount or any lesser quantity applied for. PRWM opposes the definition of actual and reasonable as currently defined.	papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for.	
72.	**TANK 10(e)**	Oppose	PRWM is concerned that this policy, together with associated provisions, unduly locks in existing viticultural land uses and/or low rates of irrigation, in the manner described in the body of the submission and submission point 29 above.	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of water (see submission point 100 below).	Glossary – definition of actual and reasonable
73.	**TANK 10(h)**	Oppose	PRWM has concerns that TANK 10(h)(i) does not align with OBJ TANK 17(d) or OBJ TANK 18(b) in terms of flexible and responsive allocation regimes which allow users to make efficient use of the finite resource – particularly in relation to cease takes. TANK 10(h)(i) and associated policies should be amended to reflect POL TT9(1)(f)(iva) of the RRMP, along the lines of 'require the water take to cease when the minimum flow is reached in the relevant zone, excluding the taking of water for the sole purpose of avoiding the death of horticultural or viticultural root stock	Amend TANK 10 to: 1) allow that the taking of water for the sole purpose of avoiding the death of horticultural or viticultural root stock or crops should be exempt from cease takes; 2) take into account the extent to which groundwater takes have a stream depleting effect on surface water and apply restrictions in a proportional way.	OBJ TANK 17 OBJ TANK 18

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			or crops should be exempt from cease takes…' PRWM also seeks that, in the case of groundwater takes, minimum flow restrictions are only applied to an extent that reflects the degree of hydraulic connection/stream depleting effect (consistent with TT11).		
74.	TANK 10(h)	Oppose	TANK 10 applies to the renewal of consents in Zone 1 Groundwater that are outside the HPWMU. Under TANK 10(h) a permit holder would be subject to a restriction in water flow at low flow under (h)(i), unless they comply with TANK 9(f) and (g) which relate to contribution to a stream flow maintenance scheme which meets the requirements of Schedule 36. However, Schedule 36 only appears to apply to the HPWMU. It is not clear from PC9 how Zone 1 takes can or should contribute to stream flow maintenance schemes, given they are not provided for in Schedule 36 or TANK 18. TANK 10(h)(i) is worded as a 'restriction in water flow' whereas	Clarify how Zone 1 takes relate to stream flow maintenance schemes and how they are to be provided for under TANK 18 and Schedule 36.	TANK 18 Schedule 36 Glossary Information sitting outside PC9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the relevant applicable policy and rules for the HPWMU (5.10.6.39(a)(i) and TANK 9(f)(ii)) are worded as requiring abstraction to cease. The policy directive for Zone 1 stream depletion effects (i.e. policy 5.10.7.45(d)(ii)) requires that that the water take is to cease, whereas TANK 10(h) is expressed as a restriction. It is not clear how Zone 1 takes relate to stream flow maintenance schemes. I.e. The detail provided in paragraph 2 on page 2 of the Fact Sheet on Allocation Limits & Minimum Flows is not reflected in PC9. It may be beneficial to have a definition in the glossary of 'Zone 1' and further clarify how Zone 1 takes are to be provided for under TANK 18 and Schedule 36. It is also not clear from PC9 whether cease takes are a 100% cease or are they graduated – i.e. Zone 1 takes that can demonstrate they are not as directly connected to groundwater. As above PRWM seeks a graduated approach in applying low flow restrictions to groundwater.		

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
75.	**TANK 11 – Groundwater and Surface water take (low flow)**	Amend	It is unclear from the drafting of TANK 11 whether frost protection and impoundment takes are exempt from clause (b)(ii) and therefore excluded from TANK 11 OR whether frost protection and impoundment storage takes are exempt from causing the total allocation limit in Schedule 31 from being exceeded. If the intent of this clause is to acknowledge that water takes for frost protection and impoundment are exempt from complying with the allocation limits in Schedule 31 then PRWM supports TANK 11 with amendment to clarify this. This inclusion of TANK 11(b)(ii)(ii) infers that water can be taken and used from storage impoundment during periods of low flow. PRWM supports the intent of this clause. It should be clarified that TANK 11 applies to s124 where TANK 9 or 10 cannot be met, and also applies to new takes where TANK 11(b)(ii) can be met.	Amend TANK 11 to clarify that frost protection is exempt from complying with the allocation limits in Schedule 31. It would also be clearer to include paragraph (a) of the conditions/terms as part of the description in the 'Activity' column – as these are not requirements to be met under Rule TANK 11 but the circumstances (activity) for which the rule is triggered. Amend the 'Activity' column of TANK 11 to recognise that this rule applies to s124 and new takes.	
76.	**TANK 12 – Groundwater**	Oppose	The allocation limit for groundwater across all water management units (quantity) is existing use only, as set	TANK 12 should be amended to be a Non-Complying activity rather than a Prohibited Activity.	5.10.7.48 RRMP 62a Schedule 31

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
	and Surface water take		out in Schedule 31, as such only transfers would enable the establishment of a new activity. PRWM opposes the Prohibited activity status of TANK 12 and considers that Non-Complying is more appropriate for the reasons set out in Table 52 of the Section 32 Report. PRWM disagrees with the Section 32 Report[10] where it states that a new water take can still be established under the regime of PC9 through a site to site transfer of an existing water use or where that water is already allocated is shared with new users. The transfer of water takes is restricted by Policy 5.10.7.48, and RRMP 62a which limits transfers where the nitrogen loss is increased. No provision for new takes under TANK 12 will have a significant economic cost in terms of preventing new or expanding irrigation dependant crops to be established.		

[10] Section 32 Report, Page 286, Paragraph 4

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
77.	**TANK 13 – Taking water – high flows**	Support	PRWM supports TANK 13 as currently drafted to provide for the taking, storage, and use of water at times of high flow.	Retain as drafted.	
78.	**TANK 14 – Damming water**	Support	PRWM supports TANK 14 as currently drafted.	Retain as drafted.	
79.	**TANK 15 – Take and use from storage**	Amend	As above PRWM considers the relationship between TANK 15 and other rules should be clarified, in particular it is not clear if the water 'taken' from impoundment under TANK 15 would already have been considered as 'taken' for irrigation purposes under another rule (e.g. TANK 7 or TANK 13), which would arguably amount to 'double counting', as water in an impoundment facility is already removed from natural water bodies.	Amend to clarify application of this rule and what would need to be assessed.	
80.	**TANK 18 – Stream Flow Maintenance and Habitat Enhancement Scheme**	Amend	PRWM supports the intent of TANK 18, however has concerns about Schedule 36 and the operation of schemes in practice. It is not clear how Zone 1 takes relate to stream flow maintenance schemes. I.e. The detail provided in paragraph 2 on page 2 of the Fact Sheet on Allocation Limits &	Amend Schedule 36 to provide more comprehensive guidance about how the schemes would operate and the extent to which (and circumstances in which) water takes would be able to continue once minimum flow (or flow maintenance) levels were reached.	Schedule 36 TANK 10(h) Schedule 36 Information sitting outside PC9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			Minimum Flows is not reflected in PC9. TANK 18 and Schedule 36 only appear to apply to the HPWMU. It is not clear from PC9 how Zone 1 takes can or should contribute to stream flow maintenance schemes, given they are not provided for in Schedule 36 or TANK 18.	Amend TANK 18 to recognise and provide for Zone 1 transfers and discharges in addition to the HPWMU.	
Amendments to RRMP Chapter 6					
81.	**RRMP 7**	Oppose	PRWM has concerns about the amendments to RRMP 7 in that the cultivation of land resulting in the exposure of bare soil, is tied to the proximity of the cultivation to a 'river, modified watercourse, drain, lake, or wetland', and the degree of slope. However, there is currently no definition in the RRMP of 'modified water course' or 'drain'. PRWM has concerns about the interpretation of these terms and applicability of RRMP 7 to roadside drains, water supply races, irrigation channels etc.	Further clarification of definitions is required, particularly in that there is a contradiction between the existing definition of 'soil disturbance'[11] which excludes 'cultivation and grazing', yet the proposed amendments to RRMP 7 relate to cultivation.	Glossary

[11] Proposed Plan Change C, Page 64, Footnote 14

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PRWM has concerns about how the establishment of new vineyards, particularly re-planting (including replacement end assemblies and trellis) would relate to the existing definition of cultivation under RRMP 7. RRMP 7 as drafted, and the corresponding definition of cultivation may restrict/compromise the establishment and reestablishment of permanent crops i.e. grapevines, where headlands may be adjacent to waterbodies and occasionally require cultivation to facilitate machinery movements.		
82.	**RRMP 62a**	Oppose	PRWM has concerns in relation to clause (f) being no increase in nitrogen loss as per Schedule 29, as this unduly restricts the transfer of permits to take and use water between consent holders irrespective of the land use or crop. As grapes have a low nitrogen loss, RRMP 62a would indivertibly mean that clause (i)(first i) would not be able to be met for viticulturalists given that a transfer to any other land use would increase nitrogen loss. The inability to gain new water takes or utilise existing but unused	Clause (f) should be deleted. RRMP 62a should be amended to allow for transfers of permits to take and use water between land uses and crops irrespective of nitrogen loss.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			allocations will have a significant economic cost in constraining new or expanding irrigation dependant crops. Clause (f) and (i)(first i) do not promote the efficient and sustainable allocation and use of water. Clause (f) and (i)(first i) unduly lock-in/constrain water from being transferred from a low nitrogen loss land use to a higher nitrogen loss land use. This should not be a determining matter which between RRMP 62a (Controlled) and RRMP 62b (Discretionary).		
83.	**RRMP 62a**	Oppose	Clause (h): There is no provision for new takes under TANK 12 (where the allocation limit in Schedule 31 is exceeded), or any allowance to transfer/utilise existing but unused allocations under RRMP 62a(h). This will have significant economic impacts by preventing new or expanding irrigation dependant crops to be established. PRWM has concerns about how this will disadvantage those land uses which have an existing low and efficient water usage compared to land uses	Clause (h) should be deleted.	5.10.7.48

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			with a high-water usage who could more readily reduce/sell/transfer water. This raises concerns about the capital value of high water use existing land uses, and the inability for the market to determine the highest and best use of the water resource.		
84.	**General Comment on Chapter 6 New Regional Rules**	Amend	It is PRWM understanding that the amendments made to Chapter 6 are only intended to apply to TANK catchments. However, in PRWM's initial reading of PC9, as currently drafted, this intention is not clearly expressed in the provisions themselves. It is also PRWM's understanding that through future plan changes, Chapter 6 would become applicable to other catchments, as the relevant catchment-based management plans are rolled out.	Clarification on the applicability of amendments to Chapter 6 and how this would then apply to other catchments.	
Schedules					
85.	**Schedule 26**	Amend	Schedule 26 is titled Freshwater Quality Objectives yet the Schedule 26 maps relate to surface water and identify Surface Water Management Units. On this basis, Schedule 26	Schedule 26 should be renamed 'Surface Water Quality Objectives' to reflect the title of the maps at Schedule 26A-26D which relate to Surface Water Management Units.	

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			should be titled Surface Water Quality Objectives.		
86.	**Schedule 26A-26D**	Amend	There is inconsistent application and use of the terms 'Surface Water Management Unit' and Fresh Water Management Unit' throughout PC9. i.e. TANK 10 incorrectly refers to 'Surface Water Management (quantity) and should instead refer to Fresh Water Management Unit' which relates to quantity. Another potential issue/concern is in relation to use of the terms 'water management unit' (proposed) and 'water management area' (existing in RRMP) and other iterations used throughout PC9 and the RRMP. PRWM's understanding is that HBRC did initially look to rename all management zonings to 'water management units' however this was discounted. PRWM considers that for consistency and clarity, the names of management zonings should be the same across the region. These changes should ideally be made during the PC9 process, or alternatively it should be established	There needs to be consistent use of the terms across TANK and the Planning Maps.	TANK 10 Throughout PC9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			that 'water management areas' are to be updated to 'water management units' as each of the catchment-based management plans are progressed. Amendments to existing RRMP rules would also be required.		
87.	**Schedule 27**	Amend	Schedules 26 and 27 both being titled 'Freshwater Quality Objectives' creates unnecessary confusion.	Rename Schedule 27 'Long Term Freshwater Quality Objectives', or words to similar effect.	OBJ TANK 6
88.	**Schedule 28**	Support	PRWM supports Schedule 28 as currently drafted.		TANK 1 TANK 2
89.	**Schedule 29**	Oppose	Schedule 29 in conjunction with TANK 6, 5.10.3.18, and 5.10.3.21 unduly lock-in land uses/ constrain land use change and unfairly disadvantage viticulture which has a low nitrogen source. PRWM considers that Option 3[12] may be a more appropriate approach by defining the types of change and activities that will be subject to consent requirements, rather than a blanket approach based on kg increase across a property.	Schedule 29 should be amended (possibly by way of a new table) to set out/define high and low nitrogen loss land uses in order to provide a differential reference for Policies 5.10.3.17(a)(iii)and (iv), 5.10.3.18(c) and 5.10.3.21(d).	5.10.3.18 5.10.3.21 TANK 6 5.10.3.17(a)(iii)and(iv) Schedule 30, Section B, 2.3

[12] Section 32 Report, Page 140

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PRWM considers that Schedule 29 should set out/define high and low nitrogen loss land uses, in order to differentiate and provide a reference for the requirements of Schedule 30, Section B, 2.3 and assessment under 5.10.3.17(a)(iii)and(iv).		
90.	**Schedule 29**	Amend	Table 2 should refer to TANK Rule 6 and not TANK Rule 5.	Table 2 should refer to TANK Rule 6 and not TANK Rule 5.	
91.	**Schedule 29**	Amend	PRWM supports the intent of the fourth paragraph, although considers that Schedule 29 should more explicitly outline the approach of PC9 in relation to rotational grazing. PRWM considers that the per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low, and that Table 1 does not account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards.	Amend Table 1 to recognise autumn/winter sheep grazing rotation for all Grape kg/ha/yr soils.	
92.	**Schedule 30**	Oppose	PRWM also has concerns that Schedule 30, Section B, 2.3 is not appropriate for viticulture which has an existing negligible level of nitrogen loss and as such the preparation of a nutrient	Schedule 30, Section B, 2.3 should be amended to differentiate between high and low contaminant and nitrogen loss land uses. This could be amended through reference to Schedule 29 (possible	5.10.3.17(a)(iii)and(iv) Schedule 29

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			management plan is not feasible/applicable to the viticulture industry at an individual or industry level in the preparation of a FEP. Either these requirements should not be applied to viticulture or they should be simplified for that and other low nitrogen loss activity. It is not clear what the approach would be where a property/farming enterprise spans multiple water quality management units, and whether this would require a FEP and/or membership of an Industry Group or Catchment Collective for each catchment.	consequential amendment to differentiate between high and low nitrogen loss land uses). Further clarification is sought on how the Farm Environment Plans will work in practice and be implemented/required.	
93.	**Schedule 31**	Oppose	Further clarification is needed around the "n/a" noted for some flow maintenance triggers. It is not clear from the drafting of Schedule 31 how/if the allocation limits relate to the 90 million m^3 annual allocation limit. Option 2[13] has been selected for PC9, however, PRWM considers that Option 3 is reflective of the approach adopted in	Further clarification sought on how/if additional figures are to be added to Schedule 31.	RRMP 62a RRMP 62b TANK 12

[13] Section 32 Report, Page 274, row 2

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			PC9 (being the 90 million m^3 annual allocation limit).		
94.	**Schedule 31**	Oppose	The allocation limit in Schedule 31 for the HPWMU is 'existing use only' which as per Note 1 of Schedule 31 is defined as 'actual and reasonable use'. It is not clear how the interim allocation limit of 90 million cubic meters set out in 5.10.6.37(a) aligns with Schedule 31.	Clarification on how the interim allocation limit of 90 million cubic meters aligns with allocation limits in Schedule 31.	5.10.6.37(a)
95.	**Schedule 31**	Amend	It is also not clear whether the 'existing use' allocation limit is the set allocated limit as of 2 May 2020 or whether the 'sinking lid' approach applies across all water management units (being that as the allocated amount is reduced through the review of actual and reasonable take and use the 'existing use' limit of Schedule 31 also reduces).		TANK 11
96.	**Schedule 31**	Amend	Schedule 31 creates uncertainties in applying for any new take under TANK 11, as to whether or not the extent of allocation will mean that an activity applied for is in fact Prohibited under TANK 12. Overall, PRWM agrees that the approach will restrict the ability for new and	PRWM considers that a similar policy to Policy TT11 in the RRMP could be applicable to PC9, which provides a methodology for determining whether (or the extent to which) a groundwater take should be treated as hydraulically connected to surface water bodies and thus subject to	5.10.7.53

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			expanding irrigation dependant crop land uses to establish.[14] The introductory section of Schedule 31 should outline that water taken and used for frost protection and high flow takes are excluded/in addition to the allocation limits. It is not clear as to the extent to which groundwater takes are subject to surface water minimum flows – i.e. do they have to cease entirely or are they subject to a reduction that is proportional to their stream depletion effect.	the same minimum flow restrictions.	
97.	**Schedule 33**	Oppose	PRWM has concerns about how the common expiry dates for each water management zone of PC9 relate to existing expiry dates of the RRMP. An associated issue is how common catchment expiry dates would apply to the timeframes and requirements to develop Farm Environment Plans (FEP) when located within a priority catchment. For example, if a FEP is developed for a vineyard in a high priority area (within 3 years) prior to	Schedule 33 should refer to Policy 49, not Policy 45. Clarification and consistency across the RRMP in order to streamline the review/renewal processes across all catchments within the region.	5.10.7.49

[14] Section 32 Report, Page 274 and 290

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the expiry of the consent, then a question would arise as to whether conditions would be reviewed in order to incorporate reference to the FEP, or whether FEP stand separate to resource consent conditions.		
98.	**Schedule 35**	Oppose	The proposed extent of SPZ's cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. PRWM has concerns about the ambiguity or uncertainty of SPZ's, given that these are not incorporated into PC9 as 'Planning Maps'. PRWM has concerns around whether the tables in Schedule 35 take precedence over the SPZ maps in determining whether and/or the extent to which an assessment of potential effects on SPZ's are necessitated in terms of 5.10.2.8, and required in the preparation of a FEP. There is a level of ambiguity about the size and extent of the SPZ's – especially as risks, how these are managed, and the area of SPZ's can change over time. PRWM has concerns about how the area of a SPZ can be changed through a	Clarification on how activities in SPZ's are to be regulated given that the SPZ area are subject to change. Clarification on how/if PC9 would incorporate a potential change to the National Environmental Standard for Sources of Human Drinking Water (NES) which may include extending the scope of regulations so they apply to land-use activities that pose a risk to drinking water sources, and registered drinking water supplies serving 25 or more people. Paragraph 2 of Schedule 35 should be amended to remove reference to 'the maps showing the spatial extent of these areas are shown below' as it is understood that these SPZ maps excluded from PC9.	5.10.2.8

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			resource consent process, and how any change would be applicable to consent holders and/or existing activities in a newly determined/changing SPZ area.		
99.	**Schedule 36**	Amend	The fourth paragraph should refer to TANK 9, not TANK 8. The current drafting of TANK 9(f), 5.10.6.39(a), 5.10.7.45(d), and Schedule 36 infers that as long as a permit holder is contributing to a flow maintenance scheme then they can continue to access the full extent of their take and are not subject to cease takes even when the stream falls below the specified trigger in Schedule 31. It is not clear what the approach of PC9 is where stream flow maintenance schemes in the vicinity are not successfully contributing to/preventing or aiding low flows where intended/needed. Under Schedule 36 Section 5(d) in particular, it is not clear how scheme locations can and will be spread across the catchment in order that all permit holders or Water User	Amend the fourth paragraph to refer to TANK 9, not TANK 8. PRWM considers that a similar policy to Policy TT11 in the RRMP could be applicable to PC9, which provides a methodology for determining whether (or the extent to which) a groundwater take should be treated as hydraulically connected to surface water bodies and thus subject to the same minimum flow restrictions.	TANK 9 5.10.6.39(a) 5.10.7.45(d Glossary – definition of Applicable stream flow maintenance scheme TANK 10(h) TANK 18 Glossary Information sitting outside PC9 Schedule 31

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			Collectives do not opt for the same easiest/most cost efficient location. Schedule 36 only appears to apply to the HPWMU. It is not clear from PC9 how Zone 1 takes can or should contribute to stream flow maintenance schemes under TANK 10(h), given they are not provided for in Schedule 36 or TANK 18. It is not clear how Zone 1 takes relate to stream flow maintenance schemes. I.e. The detail provided in paragraph 2 on page 2 of the Fact Sheet on Allocation Limits & Minimum Flows is not reflected in PC9. It may be beneficial to have a definition in the glossary of 'Zone 1' and further clarify how Zone 1 takes are to be provided for under TANK 18 and Schedule 36. It is also not clear from PC9 whether cease takes are a 100% cease or are they graduated – i.e. Zone 1 takes that can demonstrate they are not as directly connected to groundwater.		

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			It is also not clear about the extent to which Zone 1 takes are (or are intended to be) subject to surface water minimum flow restrictions, and the methodology for determining this (i.e. is it 100% restricted or a proportional restriction that reflects the degree of hydraulic connection). PRWM has concerns about the operation and feasibility of flow maintenance schemes and seeks further clarification in terms of how flow management regimes are to be implemented in practice. i.e. given that permit holders are subject to actual and reasonable use - how is the stream flow maintenance component anticipated to be provided for, and how and when does water have to be put into the stream.		
Glossary					
100.	**Glossary** **Actual and reasonable a)**	Oppose	PRWM is concerned that this policy, together with associated provisions, unduly locks in existing viticultural land uses and/or low rates of irrigation, in the manner described in	Amend the definition of 'actual and reasonable' to provide for the efficient allocation and use of water as per OBJ TANK 17.	5.10.6.37(d) 5.10.7.43(d),(h), & (k) 5.10.7.46(b) 5.10.7.52(b)(i) TANK 9(c)

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			the body of the submission and submission point 29 above.		TANK 10(e)
101.	**Glossary** **Actual and reasonable b)**	Oppose	PRWM has concerns about the definition of actual and reasonable as proposed. As currently drafted actual and reasonable would be determined as the maximum annual amount used in a previous ten year period (ending 1 August 2017 for the Heretaunga Plains Water Management Unit, or 2 May 2020 in other areas). This would in theory mean usage of data from the 2013 dry season (i.e. most water intensive period in the preceding 10 years). 2012-2013 was a drought year so it could be considered worst case scenario. However, PRWM has concerns whether anything has been factored in for drier years, and the use of land and water between 2013-2020. i.e. the 2019/2020 year may of been dryer than 2013 but renewals from consents in the HPWMU are only proposed to be assessed against water use in the 10 years preceding August 2017. These tests of actual and reasonable could raise issues of climate and	PRWM seeks that the definition of actual and reasonable be revised to take into consideration dryer years i.e. 2019/2020 for the HPWMU.	5.10.6.37(d)

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			accuracy of water meters. More broadly the 'grandfathered' approach does not enable any increase in water for irrigation even if that could be shown to be 'reasonable' in terms of IRRICALC (or any equivalent method), including in terms of variables such as decreased row spacing (intensification) or different grape varieties. Arguably that is not consistent with the efficient allocation of water resources under OBJ TANK 17 and 18. More broadly still, this approach effectively precludes (or at least seriously disadvantages) any change in land use from viticulture to a more water intensive land use.		
102.	**Glossary** **Actual and reasonable c)**	Oppose	PRWM has concerns about how IRRICALC is referenced in PC9 as being incorporated by reference. PRWM seeks that other methods of establishing actual and reasonable use are not precluded. PRWM considers that it would be appropriate to allow other water demand models to be used, without the prerequisite of: 'if it is available for the crop' (Glossary) or 'if available for the land use being applied for'	The relief sought is that the Glossary and 5.10.7.47 are amended along the lines of 'as specified by a consistent and appropriate water demand model', where IRRICALC can be included as an example. PRWM seeks that the assumptions/parameters of the IRRICALC tool provided by HBRC are made publicly available so that	5.10.7.47

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			(Policy 47). While the proposed definition of 'actual and reasonable' in the PC9 Glossary does envisage 'equivalent methods' may sometimes be used, this appears to be only if IRRICALC is not available. PRWM considers that PC6 (Schedule XVIII of the operative plan) is an appropriate approach which provides for use of a 'consistent and appropriate scientific methodology' noting that this 'enables appropriate adjustments to model inputs to reflect particular circumstances'. [15] PRWM understands that the IRRICALC model is currently being upgraded to reflect Hawke's Bay's climate, crop types, and soil types in more detail as well as providing irrigation demand information for a greater range of locally grown crops. How that model accounts for the usage by vineyards of water, including what account if any of planting density, age of vines etc is not specifically referenced in the Plan	they can be reviewed by resource consent applicants. PRWM also seeks that the IRRICALC tool is improved to allow additional parameters such as row spacings, age of vines, or planting density as inputs for vineyards.	

[15] PC6, page 32 (A.1. and footnote 44).

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			Change documents. PRWM has concerns that the current IRRICALC model appears to only provide for 1/3 of the current allocated water.		
103.	**Glossary** **Allocation limit AND Allocation limit for Groundwater**	Support	PRWM supports the intent of PC9 that water taken and used for frost protection are excluded/in addition to the allocation limits. This should be clarified in the definitions of 'allocation limit' and 'allocation limit for groundwater'.	Amend the definitions of 'allocation limit' and 'allocation limit for groundwater' to more clearly set out that water taken and used for frost protection is excluded from allocation limits.	TANK 11(b)(ii)i. Schedule 31
104.	**Glossary** **Farm Environment Plan**	Amend	There are inconsistent references throughout PC9 including use of the term 'Environmental Management Plans', 'farm plans', 'farm management plans', and 'farm environmental plans'. It may be beneficial to add 'Catchment Collective' and 'Industry Group' to the Glossary. Likewise, it may be beneficial to add 'Catchment Collective Programme' and 'Industry Programme' to the Glossary either as standalone terms or incorporated within the definition of Farm Environment Plan. Given the new requirement under Part 9A of the RMA to develop farm	Consistent use of the defined term 'Farm Environment Plan'. Further define key terms of relevance to Farm Environment Plans in the Glossary.	Throughout PC9

Submission Reference no.	PC9 Provision	Support/Oppose/ Amend	Reasoning for decision sought	Decision Sought	Also relates to
			freshwater plans (in circumstances to be specified in subsequent regulations), Pernod Ricard considers that this definition (and associated policies and rules) need to ensure that the requirements under PC9 do not go further than or contradict the requirements for freshwater farm plans under the RMA.		
105.	**Glossary** **Add definition of:** **'Catchment Collective Programme', 'Industry Programme', 'Change of use' or 'land use change', 'Drain', 'Modified water course', 'Re-allocation', Versatile Soils', AND 'Zone 1'**	Amend	For the reasons outlined in the submissions above, PRWM seeks that definitions for these terms be included in the Glossary.	Include as defined terms in Glossary.	

Form 5
Submission on notified proposal for policy statement or plan, change or variation
Clause 6 of Schedule 1, Resource Management Act 1991

To Hawkes Bay Regional Council

Name of submitter: Federated Farmers of New Zealand

This is a submission on a change proposed to the following plan:

Proposed Plan Change 9 to the Hawkes Bay Regional Resource Management Plan (TANK Plan Change)

I ~~could/~~could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:…..

As detailed in the document accompanying this submission form

My submission is:…..

As per the document accompanying this submission form

I seek the following decision from the local authority:……

Relief for each specific provision is detailed in the document accompanying this submission form

*I wish~~/do not wish~~ to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Peter Matich – Regional Policy Adviser – Federated Farmers of New Zealand

Signature of submitter

(*or* person authorised to sign on behalf of submitter)

Date: 14 August 2020

Electronic address for service of submitter:……. pmatich@fedfarm.org.nz

Telephone:……. 0800 327 646

Postal address (*or* alternative method of service under section 352 of the Act):……. PO Box 715, Wellington 6140

Contact person: [*name and designation, if applicable*]……. Peter Matich

SUBMISSION

TELEPHONE 0800 327 646 I WEBSITE WWW.FEDFARM.ORG.NZ

To:	Hawke's Bay Regional Council 159 Dalton Street Napier 4110.
Submission on:	**Proposed Plan Change 9 (Proposed TANK Plan Change) pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991**
Date:	14 August 2020
Submission by:	Hawke's Bay Federated Farmers. **JIM GALLOWAY** HAWKE'S BAY PROVINCIAL PRESIDENT Federated Farmers of New Zealand
Address for service:	**Peter Matich** REGIONAL POLICY ADVISOR Federated Farmers of New Zealand PO Box 715, Wellington 6140 P 0800 327 646 E pmatich@fedfarm.org.nz

Hawke's Bay Federated Farmers welcomes this chance to submit on the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments Plan Change 9.

We acknowledge any submissions that have been lodged by individual members.

Federated Farmers seek the relief on provisions specified in the table attached to this submission, for the reasons provided in relation to each submission point

Federated Farmers wish to be heard in support of this submission.

Federated Farmers are happy to be heard in conjunction with any other similar submissions.

Federated Farmers could not gain advantage in trade competition through this submission.

General Comments

1. Federated Farmers commend Hawkes Bay Regional Council for preparing the proposed TANK Plan Change. It has many practical aspects which can, in the long term, potentially provide a way forward for freshwater resource users who rely on ability to take water for their livelihoods to be involved in, and takes ownership of, management of the freshwater resource. It also provides a potential framework for integrated management.

2. The proposed plan change before the Council is a result of the collaborative approach used in developing the TANK Plan Change, where resource management issues were mutually explored with key stakeholders. Federated Farmers broadly supports this approach.

3. Nevertheless, many aspects of the proposed plan require further refinement to optimise it as a staged adaptive management framework for freshwater management.

Farm plans and Catchment Collectives

4. Farmer participation in Farm Environment Plans or Catchment Collective Plans is a key process in the TANK Plan.

5. Federated Farmers supports *Farm Environment Plans*, but not if they are part of a permitted activity requirement applicable to all farms over 10ha without good reason. This is not an efficient use of the farm planning process.

6. Under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, certified farm plans are now a requirement for permitted stockholding areas for larger and older cattle and intensive winter grazing. Unless farming involves these nationally-regulated activities, then there is no need for Farm Environment Plans unless there are other specific instances where aspects of farming present a significant risk of environmental pollution or degradation[1] to the freshwater resource.

7. Aspects of farming that present a low risk of environmental pollution should be able to be provided for as permitted activities with appropriate conditions specified in the regional plan, without needing any form of further approval under a Farm Environment Plan regime. Otherwise, Councils and farmers could be unnecessarily burdened scrutinising every minor detail of activity in minutiae in site-by-site plan assessments, resulting in a hugely inefficient waste of time and money. The mix between permitted activities and other activities that require resource consents, is a measure of the efficiency of any resource management plan framework.

8. The concept of *Catchment Collective Plans* has merit from the point of view of coordinating several individual farms within a sub-catchment (or catchment) scale of analysis for those aspects of farming that cumulatively present a significant risk of environmental harm. The catchment collective plan requirements set forth in the TANK plan change set out an ambitious and complex management system that will need time to evolve. Expectations of farmers to participate in Catchment Collective Plan process are highly challenging.

9. Catchment collectives may not work for everyone for a range of reasons. Catchment collectives could be subject to operational dysfunction, especially if governance systems are inadequate.

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[1] Criteria for assessing water quality degradation are set out in the National Objective Framework under the National Policy Statement for Freshwater Management (2020)

Not all farms may lend themselves to geographical grouping in broader catchment management schemes. Not all farm businesses have the same capability to engage in broader collectives. The provisions for Catchment Collectives in the TANK Plan change need to align with best practice in community catchment management. It requires a complex pattern of catchment and industry groups and a more participatory form of governance that is yet to evolve. It also requires active resourcing of catchment collective administration and coordination, and access to technical skills.

10. 90 percent of the 900 pastoral farms in the TANK catchment are mixed sheep and beef farms. Most of these are owned and managed by individual families who do not have corporate backing (such as that which dairy farmers enjoy with the support of Fonterra) and are not part of any Industry Programme. Many of these farmers do not even have Farm Environment Plans. So, unless these farmers go it alone (with FEPs or resource consents), they will be funnelled into catchment collectives.

11. Many of the rules in the TANK Plan encourage farmers to participate in Catchment Collectives to avoid other regulatory hurdles. Control/discretion that is exercised in Rules TANK 2, TANK 4, TANK 5, TANK 6, TANK 9 and TANK 10 is bypassed if you are part of a catchment collective, but for everyone else it's a broad more uncertain hurdle. The thresholds that trigger processes where specific aspects of land use or water use get considered in the TANK Plan tend to rely on modelled phenomena, such as nutrient contamination, or water consumption.

12. The farm plan and catchment collective process appears to be set up to enable the Council to gather information to check hunches about such modelled processes. However, some of these hunches may not bear out. And if they don't, it could amount to farm environment plan/catchment collective plans becoming costly field trials for testing incorrect hunches about cause and effect relationships between nutrients and pollution or between water use and the state of the water resource.

13. A case in point is the focus in the TANK Plan Change on managing nitrogen. The Council's own State and Trend information published in 2020 indicates that Nitrogen pollution in the TANK catchment is not a serious problem. There are only 3 streams which exceed the >1.2mg/L threshold in Schedule 28, which is signalled for 'medium priority' action. There are no streams or rivers that exceed the >2mg/L 'high priority' threshold. This suggests that action on Nitrogen could be delayed while other higher-priority nutrients problems are tackled. This would allow more time (and spare more cost) to be better able to work on reducing other nutrients that are more of a problem in specific areas, before embarking on ambitious water quality management targets across the board. This would also help ease the farming community in the TANK catchment into the farm planning and/or Catchment Collective process.

14. The RMA Section 32 assessment for the TANK Plan Change sensibly opts for *staged adaptive management* as the 'preferred option' in its analysis of options. However, for staged adaptive management to have the best chance of success, the focus needs to be on practical ways of ensuring farmers can meet their day-to-day needs, while learning to participate in wider forums where they can collectively engage in bigger problem solving challenges that require them to further adapt their farming practices.

15. All of this requires empowerment of resource users and communities to achieve sustainable management in ways in which they are practically capable of achieving. Emphasis needs to be on farmer capability to engage with the planning process, rather than on making too many process hurdles that divert time, attention, and costs away from day to day farming. For

farmers to have time to adapt and learn to participate in these collective planning processes, they need to be made as farmer-friendly as possible.

16. Federated Farmers are concerned that the cost of Farm Environment Plans and Catchment Collective Plans needs to be kept in check, especially where these plans are being relied on to help the Council discover planning issues around nutrient management or water allocation characteristics in the catchment. Farm Environment Plans can require a considerable investment in time and cost for individual farmers to prepare. This varies from farm to farm depending on individual farm practices and the site-specific issues needing to be managed. The presumption for these plans should be that unnecessary costs should be kept to a minimum, for everyone to have the resources they need to adapt.

17. FEPs and Catchment Collective Plans and Industry Programmes should not apply to pastoral farm properties under 50ha unless it is required by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Pastoral farms under 50 ha are generally hobby farms with low nutrient and sediment outputs where the main activity is passive low-intensity grazing or growing grass for hay-making. Therefore, the risk of environmental degradation to the freshwater resource from not having to consider individual Farm Environment Plans for such properties is very low.

18. Farm properties under 50 ha make up less than 3% of all the farmland in the TANK catchment. Therefore, excluding unnecessary requirement for FEPs for pastoral farmed land up to 50 ha in area will at most have very minor cumulative effect on the freshwater resource and will save the Council from unnecessary expenditure of resources in processing planning approvals for these.

19. Horticultural and viticultural land is different and should be treated differently, as those activities involve more intensive application of nutrients.

Nutrient Management

20. The Council's approach to nutrient management has some potential as a practical way to develop a working understanding of the characteristics of nutrient contaminant pathways, to prevent any increase in total nitrogen concentration in the waterways within the catchment.

21. However, the N-load loss thresholds for triggering assessment of 'land use change' in Schedule 29 are an arbitrarily assumed starting point and have not been validated for use in the TANK catchment. Therefore, these thresholds as likely (as not) to bear very little relationship to actual Nitrogen loss to waterways in the TANK catchment. Further, the proposed TANK Plan Change does not record the version of the models employed to derive the crop loss figures, and so is not future-proofed against the effect of future model changes.

22. Moreover, strict nitrogen load limit thresholds for defining 'land use change' are unnecessary because nitrogen is not a significant problem in the TANK catchments' waterways to begin with. The Council's own (2020) State and Trend reporting shows that the TANK catchments' surface water bodies are almost all within the NOF 'A' Band for total nitrogen and nitrate toxicity under the National Policy Statement for Freshwater Management (2020).

23. Going by the TANK Plan Change's own priority criteria in Schedule 28, there are no streams in the TANK catchment (as at January 2020) that exceed the >2mg/L TN concentration in the 'High Priority' category. Only 3 streams in the TANK catchment exceed the >1.2mg/L TN concentration in the 'Medium Priority' category. And only 3 streams exceed the >1mg/L TN

concentration in the 'Low Priority' category (and those are the same three streams the exceed the Medium Priority TN Concentration limits). All the other streams in the TANK catchment would be in the 'Long Term' priority category in Schedule 28.

24. This (generally low) TN concentration throughout the catchment, is partly due to the type of farming that is predominant in the catchment. Approximately 90 percent of the pastoral farms in the TANK catchment are mixed sheep and beef farms and are not intensively farmed. These typically have a lower nitrogen footprint than other types of pastoral farming.

25. In these circumstances, it would be more practical to begin with easier-to-achieve Nitrogen loss limits, that can be adjusted in future plan changes (if Nitrogen pollution subsequently becomes a cause for concern). The risk of dissolved nitrogen polluting waterways in the TANK catchment is very low. The future risk from conversion of these farms to more intensive Nitrogen-generating farming (e.g. Dairying) is also very low without a large scale water storage scheme ever likely to be in place.

26. Therefore, Federated Farmers urges a more balanced approach to nutrient management to make the planning process workable for farmers, so that the staged adaptive management approach has a better chance of succeeding.

Use of Freshwater

27. Regarding water allocation in the proposed TANK Plan Change, Federated Farmers' main concerns relate to the following aspects:

- The regime for permitted water takes in Rule TANK 7.
- Water permit expiry timeframes
- Water allocation/re-allocation policy

Permitted Water takes

28. The proposed TANK Plan Change takes the approach that water is overallocated or fully allocated throughout most of the TANK catchment. Federated Farmers are concerned about constraints on the modelling information that has been relied upon to inform the assumptions about full allocation or overallocation. Nevertheless, Federated Farmers are surprised at the focus on reducing permitted takes.

29. The operative Hawkes Bay Regional Resource Management Plan provides a maximum permitted water take of $20m^3$/day per farm. This provides some reliability of water supply while enabling farmers flexibility to manage seasonal or yearly changes in farming practice, to adapt to various disruptions (pandemics, droughts) and changes in market demands for farm produce. While existing permitted takes of up to $20m^3$/day can continue under the proposed TANK Plan Change, any new takes are limited to $5m^3$/day. This is woefully inadequate for many farms, for example, those that might have to establish new bores where old ones run dry.

30. The total number of pastoral farms in the TANK catchment number some 900 farms. A $20m^3$/day take per farm would equate to a total water take of 208 litres per second. This is only one-fifth of the maximum abstraction of 1000-litres per second that Hawkes Bay Regional Council modelled for the peak demand from the Heretaunga Aquifer that occurred in the 2013 drought year (a worst case scenario). This indicates that the amount of permitted water take in

the TANK catchment is not the main problem with water overallocation. Rather, the main problem with overallocation lies in the way resource consents for water takes are managed.

31. For a staged adaptive management approach to water resource management to work, it is essential for farmers that the amount of permitted take remains at 20m^3/day per farm.

Water permit expiry timeframes

32. A corollary of supporting farmers to commit to method of freshwater resource management through Farm Environment Plans (FEPs) or Catchment Collective Plans, is that farmers require assurance that their investment in planning will enable them to rely on the water resource for a sufficiently long time to get a return on their investment in these processes.

33. In this regard, the plan's 15-year lapse timeframe for water permits is insufficient. Federated Farmers seek a 20-year lapse date for water permits in order to provide farmers with more certainty that their commitment to the staged adaptive management approach will enable them to have reliable access to water, in a way that they can recoup their investment in water management.

Water allocation policy

34. The policy framework for stream flow maintenance subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. Water users on smaller farming operations (who are not part of a Catchment Collective) may not have the capacity to participate in stream flow maintenance, so they carry a greater risk of being subject to water restrictions. Participation of Catchment Collectives in such schemes should be voluntary, and be structured so as to offer incentive to those Catchment Collectives who choose to participate in such schemes to be allowed more generous water transfer of water takes or discharge provisions.

35. The requirement to "not allow new water use" is needlessly restrictive and prohibits ANY new take and use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents.

36. The requirement to "reduce existing levels of water use" precludes use of new stored water and fails to recognise that the *interim allocation limit* of 90 million cubic meters is a modelled limit that is intended to align with previous actual water usage, and that the Heretaunga Plains Aquifer is considered to be overallocated based on cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.

37. Instead, the plan should adopt an interim allocation limit for the Heretaunga Aquifer that is based on whichever is the greater of 90 million cubic metres per year, or the actual amount in consent takes and permitted takes. Re-allocation of any water that might become available within the interim groundwater allocation limit (not including water made available by high flow take and release and by offset or managed aquifer recharge) should be avoided, or be within the limit of any connected water body, until there has been a review of the relevant allocation limits within the plan. Permitted water takes and RMA section 14(3)(b) takes should be excluded from these restrictions. Permitted Water Takes are a minor proportion of the overall water usage, and RMA section 14(3)(b) takes should not be restricted because of modelled effects.

38. HBRC should play a central role in establishing lowland stream augmentation schemes. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for such development

39. The policy to reserve 20% of any NEW high flow allocation for Māori development presents a barrier to primary producers wanting to abstract high flow water for on-site storage and use. A blanket 20% requirement across the board takes no account of the scale and economic capability of individual businesses. Smaller farms will find it even harder to justify the expense of construction dams needed for water storage at times of high flow, if they cannot get enough water to fill the dams, because 20% is allocated elsewhere under this policy and rule framework. It also amounts to the privatisation of what should be a Central Government cost, in terms of the national Treaty partnership.

40. Federated Farmers think that the TANK Plan should instead distinguish clearly between water for environmental enhancement and water for Māori development, as well as remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

41. If the ability to store such 20% of reserved water is not exercised, it could end up flowing down the river, acting as a de facto extra barrier to high-flow allocation, and would impact on a precious resource that is in much need, especially in times of drought. Federated Farmers supports an effects based approach to management of resources. Federated Farmers considers that an allocation for iwi on would be contrary to Council's functions under the RMA and would not be an effects based approach.

Water Source Protection

42. A further concern is around the new provisions for setting up Water Source Protection Zones. Federated Farmers were appalled that the poorly managed water supply in Havelock North led to deaths from inadequate water supply through contamination of drinking water. To prevent such catastrophes in the future, it is essential that drinking water supplies are appropriately protected and adequately treated.

43. However, the rules and policies for WSP areas use too-broad-a-brush. There is no fine-grained analysis of how diffuse discharge may relate to contamination of public drinking water. There is arguably a need for gradation of control over diffuse discharge activities that is related to risk of contamination arising from proximity (or transmissivity) of contaminants in relation to water supply abstraction points. Also, there needs to be recognition that the quality of public drinking water is required to be monitored and appropriately treated under other legislation.

44. Further, if the staged adaptive management approach to managing the water resource is to have the best chance of success, the application process for Water Source Protection Areas needs to involve existing water resource users who are within such areas. It also needs to enable water resource users the flexibility to innovate more efficient ways of using water without denying them access to water.

45. The *Water Source Protection* provisions result in an unnecessarily onerous duplication in control. References to assessment of 'actual or potential effects' of activities in the SPZs on Registered Drinking Water Supplies in Rules TANK 4/5/6/9/10 need to be removed. Such risks should instead be addressed via Farm Environment Plans, Catchment Collectives, and Industry Programmes. This would be a better fit with the staged adaptive management approach preferred in the Council's section 32 assessment report.

46. Specific amendments sought in Federated Farmers' submission are contained in the table appended to this submission document.

Recent amendment to National Policy Statement for Freshwater Management (2020) and recently introduced National Environmental Standards for Freshwater and Stock exclusion

47. At the time of preparing this submission, the Government introduced the abovementioned amendment to the National Policy Statement for Freshwater Management, and related National Environmental Standards. There has not been sufficient time between the introduction of these and the closing date for submissions on the TANK Plan Change, to be able to consider all the impacts of these recent national planning instruments on the proposed TANK Plan change, in order to adjust all the relief sought in our submission. Federated Farmers may have more to say on this in further submissions.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation and represents many farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflects the fact that resource management and local government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks Hawkes Bay Regional Council for
considering our submission to the Proposed Plan Change 9 (TANK).

We wish to be heard in support of our submission.

FEDERATED FARMERS OF NEW ZEALAND

	Name	Provision as notified	Relief sought	Reasons for relief
1	Issue 1: Valuing water: He Wai he Taonga	Water, whether in a river or groundwater, has its own mana and intrinsic value. Maintaining mauri encompasses spiritual health of the water, of ecosystems, and of communities connected to and dependent on these elements, now and in the future. Water is viewed as a taonga by Māori; a treasure where mauri and ecosystem health are protected and provided for. This is consistent with the requirements of the NPSFM for the protection of ecosystem health and the desire of the wider community to manage water sustainably for current and future generations. The Plan also addresses the need to provide for the practical needs of the community for water of sufficient quality and quantity for the health and well-being of people as well as to meet their social and economic needs related to the abstraction of water. Instream and other values including flood and drainage values and those depending on abstraction are all recognised by this plan change. Some existing land and water use practices can affect the mauri or ecosystem health. Some of the effects also arise from activities and events that occurred decades in the past, including through vegetation clearance, floods and flood protection, river diversions, wetland drainage and earthquakes. Changes to landscape, its waterbodies and vegetation have had enduring adverse effects on tangata whenua cultural practices and their kaitiakitanga role. The Plan focuses on the values for which water is to be managed by the setting of objectives, limits, and other management measures and which are illustrated in Figure 1 below. It also acknowledges the wider Māori perspectives of kawa, kaupapa and tikanga that support Māori values for water and its management and ensures the outcomes that are being sought are consistent with those cultural principles and approaches. The relationship between values for which water is to be managed and the Māori culture and traditions in relation to freshwater management are expressed in the Figure 2 below. There are several at risk and threatened or endangered indigenous plant and animal species dependant on healthy aquatic ecosystems, including wetland and riparian margins. Freshwater ecosystem management for indigenous species includes protection of fish spawning habitat and provision for fish passage. These indigenous species contribute to the region's biodiversity and land use and freshwater provisions for their habitat, including water quality and quantity will complement the Hawkes Bay Biodiversity Strategy.	**That Issue 1 be retained as notified.**	This issue is appropriate to freshwater resource management in this catchment
2	Issue 2: Mauri, Ecosystem Health and Contaminant Discharges	Water quality in some places does not uphold or protect mauri nor meet the needs of other cultural, tikanga Māori, recreational or ecosystem health values in freshwater bodies and estuaries at all times. Of particular concern is the protection of water	**That Issue 2 be amended as follows:** … Adverse effects from point source discharges are being reduced <u>where they are reduceable</u> through resource	The issue is too wordy and needs to be restated more

	Name	Provision as notified	Relief sought	Reasons for relief
		quality for human health and drinking water, especially for community and municipal water supplies. Water quality is affected by direct discharges of contaminants, including in urban stormwater, and also as a result of non –point source discharges arising from land use activities and cumulatively affecting water quality. Adverse effects from point source discharges are being reduced through resource consenting processes. Non-point source discharges, include loss of contaminants including nutrients from rural activities, soil loss from land disturbance activities and stream bank erosion. To date, there has been little regulatory management of non-point source discharges which cumulatively can contribute significant amounts of contaminants to waterbodies. Land use changes can also result in an increase in the amount of contaminants entering water. New management systems are required to ensure water quality can be maintained or improved over time when these sorts of land use change occur. In the lowland tributaries, water quality is also affected by excessive macrophyte growth and reduced flows which reduces oxygen levels, and high water temperatures during summer where waterbodies do not have adequate shading. The impact of contaminant inputs into estuary ecosystems is also a significant issue as the Waitangi and Ahuriri estuaries both show declining trends for ecosystem health with consequential adverse effects on the values held for those aquatic ecosystems.	consenting processes. … ~~Land use changes~~ Intensification of discharges from land use change can ~~also result in an~~ increase ~~in~~ the amount of contaminants entering water. New management systems are required to ensure water quality can be maintained or improved over time ~~when these sorts of land use change occur~~ in situations where there is a demonstrable risk of degradation of the freshwater resource from land use intensification. … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	concisely as it relates to rural land use. 'Intensification' is the pertinent aspect of land use that affects water degradation which requires targeting in this catchment. General land use 'change' may or may not present a problem, depending on whether there is intensification of specific contaminant outputs. It is important for farmers to have flexibility to be able to make day-to-day adjustments in farming practices and stock management, depending on various challenges confronting farmers. Federated Farmers do not wish to see such changes caught up in unnecessary red-tape around 'land use change', which could otherwise result in onerous delays and costs for what amounts to little or no environmental benefit.
3	Issue 3: Mauri, Ecosystem Health,	Mauri and ecosystem health, as well as the range of community held values including instream and ecosystem values, rely on adequate water levels and flows to be maintained within water bodies.	**That Issue 3 be amended as follows:** … The community also values water for a range of other	Livestock drinking water is an important value for farmers and

	Name	Provision as notified	Relief sought	Reasons for relief
	and Water Flows and Levels	The community also values water for a range of other uses including domestic and municipal water supply, irrigation for a range of purposes including for food and fibre production and community gardens; mahi māra, food processing, stock watering and industrial and commercial purposes. There is a need to establish flow management regimes and allocation limits to guide the abstraction of water so that appropriate levels of protection for mauri and ecosystem health are provided while acknowledging and providing for the practical needs of the community for water at reasonable reliability of supply. For some water bodies, flooding and drainage management activities as well as abstractive uses of water have resulted in significant adverse effects on aquatic ecosystems and instream values in the Heretaunga Plains where surface water flows and water quality, especially in summer, are not sufficient to ensure ecosystem health.	uses including domestic and municipal water supply, irrigation for a range of purposes including for food and fibre production and community gardens; mahi māra, food processing, stock watering and industrial and commercial purposes. There is a need to establish workable flow management regimes and allocation limits to guide the abstraction of water so that appropriate levels of protection for mauri and ecosystem health are provided while acknowledging and providing for the practical needs of the community for water at reasonable reliability of supply. For some water bodies, flooding and drainage management activities as well as abstractive uses of water ~~have resulted in~~ may contribute to significant adverse effects on aquatic ecosystems and instream values in the Heretaunga Plains where surface water flows and water quality, especially in summer, are not sufficient to ensure ecosystem health. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	is recognised in the Resource Management Act. A significant portion of land in the TANK catchment is pastoral farmland which values water for this purpose. Abstractive uses are only one aspect of water resource management that contribute to adverse effects on surface water flows and levels. (Other factors include weather and climate conditions, and development and modification of water ways, and land use intensification and urban growth). Therefore, it is more accurate to say that extractive uses contribute to adverse effects.
4	Issue 4: Water Demand and Allocation, Efficient Use of Water	Once allocation limits are specified for abstraction of water from ground and surface water bodies, Council must also manage the allocation and re-allocation of the water available for abstraction in an equitable way between the wide range of water users. Water allocation regimes should result in appropriate provision for permitted activities and allocation of the allocatable water for the range of existing and potential end uses in an equitable manner that meets the current and future needs of the community. The allocation of water needs to recognise the significant investment that has been made in land and infrastructure that water takes support; and the way these takes provide for the wellbeing of communities. In some areas where over-allocation has occurred, the resulting management regime will have variable impacts on some landowners and water users, particularly where	**That Issue 4 be amended as follows:** … In some areas where over-allocation has occurred, the resulting management regime will have variable impacts on ~~some landowners and~~ water users, particularly where the introduction of limits mean that new water use is restricted and opportunities for land use ~~change~~ intensification ~~are also reduced~~ need to be carefully managed. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	All water users are potentially affected by allocation rules, and 'some landowners' need not be singled out. Land use *intensification* is the pertinent aspect needing to be reigned-in (rather than 'land

	Name	Provision as notified	Relief sought	Reasons for relief
		the introduction of limits mean that new water use is restricted and opportunities for land use change are also reduced.		use change', which is more generic).
5	Issue 5: Water Demand	In some parts of the TANK catchments there is insufficient fresh water to meet all the abstraction demands placed on the resource all of the time, including as a result of population growth, and there may be opportunities for more efficient use, conserving, harvesting, storing and augmenting supplies. The effects of climate change may also impact on rainfall, water flows and water availability making these opportunities even more relevant.	**That Issue 5 be retained as notified.**	This issue is appropriate to freshwater management in this catchment.
6	Issue 6: Balancing Costs and Timeframes	The restoration and protection of water quality to meet the objectives for mauri, ecosystem health and water quality enables the people and communities to continue to provide for their social, economic and cultural and tikanga Māori wellbeing/hauora. In some places in the TANK catchments a significant investment into mitigation measures may be required to meet those objectives. A staged approach to change the [*sic*] provides sufficient time to make changes and enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural and tikanga Māori wellbeing/ hauora in the short term.	**That Issue 6 be amended as follows:** … In some places in the TANK catchments, ~~a~~ significant investment into mitigation measures may be required to meet those objectives. A staged approach to change is practical, and will ~~the provides sufficient~~ enable time ~~to make changes and enables~~ for people and communities to undertake adaptive management to continue to provide for their social, economic and cultural and tikanga Māori wellbeing/ hauora ~~in the short term~~ in ways that are within their range of capabilities. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This issue is about balancing costs and timeframes, and therefore needs further focus on the capability of individuals and communities to achieve change.
7	Issue 7: Understanding TANK Freshwater Resources	There are information gaps throughout these TANK catchments, with some arising because of the values-based approach to water management and the wider, more holistic approach that has been taken in relation to environmental management. Some of this results from developing understanding about the complex inter-relationships within freshwater and land systems, both at a local sub-catchment scale and in relation to the wider freshwater - coastal water interface. In future, technology land and water practices and information availability are likely to change, both increasing understanding of 'state' and impacts and also improving management and mitigation responses. The scale of information collection is also likely to change as more focussed approaches to water management are used at a sub-catchment or marae scale.	**That Issue 7 be amended as follows:** There are information gaps about water use throughout the~~se~~ TANK catchments~~., with some arising because of the values-based approach to water management and the wider, more holistic approach that has been taken in relation to environmental management~~. It is partly due to reliance on piecemeal analysis of individual impacts on the water resource that occurs in applying for resource consents at the level of individual properties on a case-by-case basis. This contributes to 'patchy' information of varying quality being generated at different times throughout the catchment. ~~Some of this results from d~~ Developing understanding about the complex inter-relationships within freshwater and land systems, both at a local sub-catchment scale and in	This issue needs further unpacking to bring the patchy nature of case-by-case assessment of water resource management into focus, to show why there is a real need to improvement catchment and sub-catchment scale analysis in problem-solving.

	Name	Provision as notified	Relief sought	Reasons for relief
			relation to the wider freshwater - coastal water interface is increasingly important in understanding how to manage freshwater resources at the catchment scale. In future, technology land and water practices and information availability are likely to change, both increasing understanding of 'state' and impacts, and also improving management and mitigation responses. The scale of information collection is also likely to change as more focussed approaches to water management are used at a sub-catchment or marae scale, which is more useful ~~for~~ catchment-scale analysis. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
8	Issue 8: Accounting for Predicted Climate Change	Climate is changing, which also has an impact on natural climate variability. The challenge which lies ahead is not knowing the timing and extent to which climate variability will change further and how this may impact on water flows, levels and quality, or the precise timeframes within which these anticipated changes will occur. HBRC is required to have particular regard to the effects of climate change when managing the use, development, and protection of natural and physical resources.	**That Issue 8 be amended as follows:** Climate is changing, which also has an impact on natural climate variability. The challenge ~~which lies ahead~~ is ~~not knowing the timing and extent to which~~ adapting to climate change and becoming more resilient. This includes taking account of climate variability ~~will change further~~ and how this may impact on water flows, levels and quality., ~~or the precise timeframes within which these anticipated changes will occur.~~ HBRC is required to have particular regard to the effects of climate change when managing the use, development, and protection of natural and physical resources. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Climate change is occurring now and there are present, as well as future, challenges. Adaptation is the most significant challenge and is vital to resilience. The best sets of predictions available on climate change are currently those from the IPCC. However, these can only be generically related to regional changes and climate variability in the TANK catchment, with more frequent/longer and more intense droughts, interspersed with more intense rainstorms and flood events becoming the 'new normal'.

	Name	Provision as notified	Relief sought	Reasons for relief
9	5.10 Introduction	Freshwater is essential to the region's economic, environmental, cultural and social well-being. The way in which these well- beings are provided for is informed by how the values for freshwater are understood and identified. Figure 1 provides an illustration of the wider community values for the TANK freshwater bodies expressed across the four well-being domains. This Plan also recognises Te Mana o te Wai, which puts the mauri of the waterbody and its ability to provide for te hauora o te tangata (the health of the people), te hauora o te taiao (health of the environment) and te hauora o te wai (the health of the waterbody) to the forefront of freshwater management. Water is viewed as a taonga by Māori; a treasure where mauri and ecosystem health are protected and provided for. Mauri is a spiritual value that is manifested by abundant and healthy water and aquatic resources, including plants and animals that depend on water. Figure 2 below shows the interrelated nature and cultural connections of the values held by Māori for water. These core values are underpinned by a philosophy of etiquette, customs, harmony and timing. The two expressions of the values for freshwater complement and build on each other. They enable the directions of the National Policy Statement for Freshwater Management to be given effect to and ensure the Plan provides for all of the community's values. This articulation of community and Māori values has enabled decisions to be made about the use and management of waterbodies of the TANK catchments. The Plan focuses on all the values for which water is to be managed by the setting of objectives, limits and other management measures that enable the needs of those values to be met. It also acknowledges the wider Māori perspectives of kawa, kaupapa and tikanga that support Māori values for water and its management and ensures the outcomes that are being sought are consistent with those cultural principles and approaches. Key attributes that allow the state of the values to be assessed and monitored have been developed and objectives established for them. Attributes for both water quality and water quantity have been identified and the desired attribute state has been agreed. For some water bodies, the desired state meets the actual state, however, for others, the state is less than desired and the plan provides measures and introduces new rules that will enable the objectives to be met. This includes objectives for water quality attributes as well as limits and flows for managing quantity of water.	**That 5.10 Introduction be retained as notified.**	This introduction is appropriate to freshwater management issues in this catchment

	Name	Provision as notified	Relief sought	Reasons for relief
10	OBJ TANK 1	The Council, tangata whenua and the urban and rural community work together in a way that recognises the kaitiaki and guardianship roles they each play in freshwater management and; a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management; b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted; c) support good decision making by resource users including rural and urban communities through marae and hapū initiatives, community or other catchment management programmes and monitoring initiatives, urban stormwater programmes, landowner collectives, farm management plans and industry good practice programmes.	**That OBJ TANK 1 be amended as follows:** The Council, tangata whenua and the urban and rural community work together in a way that recognises the kaitiaki and guardianship roles they each play in freshwater management. ~~and;~~ ~~a) recognise the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management;~~ ~~b) ensure good land and water management practices are followed and where necessary, mitigation or restoration measures adopted;~~ ~~c) support good decision making by resource users including rural and urban communities through marae and hapū initiatives, community or other catchment management programmes and monitoring initiatives, urban stormwater programmes, landowner collectives, farm management plans and industry good practice programmes.~~ **Alternately, that clauses a), b) and c) be re-stated as policies.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Clauses a) b) c) are policies, and unnecessarily pad the objective, which should be kept simple to avoid unnecessarily complicated interpretation. If it is considered necessary to keep these clauses, then they should be re-stated as policies.
11	OBJ TANK 2	When setting objectives, limits and targets; a) Te Mana o te Wai[1] and integrated mountains to the sea, ki uta ki tai principles are upheld; b) A continuous improvement approach to the use and development of natural resources and the protection of indigenous biodiversity is adopted and the collective management of freshwater is enabled; c) The kaitiakitanga role of tangata whenua and their whakapapa and cultural connection with water are recognised and provided for; d) The responsibilities of people and communities for sustainable resource use and development is recognised and supported; and e) The significant values of the outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for.	**That OBJ TANK 2 be amended as follows:** When setting objectives, limits and targets; … c) The kaitiakitanga role of tangata whenua and their whakapapa and cultural connection with water ~~are recognised and provided for~~ <u>shall be had particular regard to</u>; f) <u>The effects of climate change shall be had particular regard to.</u> **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The emphasis in Clause c) should be consistent with Section 7(a) of the RMA Effects of climate change are pertinent to setting objectives, limits, and targets, and should be included in this objective.

	Name	Provision as notified	Relief sought	Reasons for relief
12	OBJ TANK 3	The effects of climate change in respect of each of the following are taken into account in making decisions about land and water management within the TANK catchments; a) The effects on aquatic ecosystems, including indigenous biodiversity, freshwater bodies, water supply and human health, primary production and infrastructure from the predicted: (i) increases in intensity and frequency of rainfall; (ii) effects of rainfall on erosion and sediment loss; (iii) increases in sea level, and the effects of salt water intrusion; (iv) increasing frequency of water shortages; (v) increasing variability in river flows; b) The amount of information available and the scale and probability of adverse effects, particularly irreversible effects, as a consequence of acting or not acting; c) The timeframes relevant to the activity; d) Opportunities to improve community resilience for changes occurring as a result of (a)(i) to(iv).	**That OBJ TANK 3 be amended as follows:** The effects of climate change in respect of each of the following are taken into account in making decisions about land and water management within the TANK catchments; … d) Reliance on the freshwater resource for the social, economic, and cultural wellbeing of communities ~~d~~e) Opportunities to improve community resilience for changes occurring as a result of (a)(i) to(iv). **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	In this environment, choices need to be made about which sorts of investment are going to be most efficient in the long-term at dealing with climate variability, to enhance resilience and achieve successful adaptation.
13	OBJ TANK 4	Land and water use, contaminant discharge and nutrient loss activities are carried out so that the quality of the TANK freshwater bodies is maintained where objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 26 by 2040 provided that: a) For any specific water body where the attribute state is found to be higher than that given in Schedule 26, the higher state is to be maintained; and b) Maintenance of a state is at the measured state[2].	**That OBJ TANK 4 be amended as follows:** Land and water use, contaminant discharge and nutrient loss activities are carried out so that the quality of the TANK freshwater bodies is maintained where objectives are currently being met, or is improved in degraded waterbodies so that they meet water quality attribute states in Schedule 26 by 2040 provided that: … b) Maintenance of a state is at the measured state[2] assessed as the median of the last 5 years measured data taking into account natural variability and sampling error. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Clarification is needed about the appropriate period for assessment in this objective, along with natural variability and sampling methods and error.
14	OBJ TANK 5	Te Mana o te Wai, kaitiakitanga and the needs for the values set out in Schedule 26, particularly mauri and ecosystem health are achieved through collectively managing all of the specified attributes.	**That OBJ TANK 5 be retained as notified**	This objective is appropriate to freshwater management in this catchment
15	OBJ TANK 6	The quality of the TANK freshwater bodies set out in Schedule 27 will be achieved through future plan changes.	**That OBJ TANK 6 and Schedule 27be deleted**	This objective and the accompanying schedule does not add anything practical to

	Name	Provision as notified	Relief sought	Reasons for relief
				the goals of the plan change. Long term goals should be set as part of implementing the NPSFM 2020.
16	OBJ TANK 7	Land use is carried out in a manner that reduces contaminant loss including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment.	**That OBJ TANK 7 be amended as follows:** Land use is carried out in a manner that reduces reduceable contaminant loss where practicable including soil loss and consequential sedimentation in freshwater bodies, estuaries and coastal environment. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The focus of this objective should be on reducing reduceable contaminant losses (instead of only on reduction). Where contaminant loss is already at a minimum, any further 'reduction' may not be achievable and would become an increasingly worthless pursuit.
17	OBJ TANK 8	Aquatic ecosystem health and mauri of water bodies in the TANK catchment is improved by appropriate management of riparian margins to: a) reduce effects of contaminant loss from land use activities; b) improve aquatic habitat and protect indigenous species including fish spawning habitat; c) reduce stream bank erosion; d) enhance natural character and amenity; e) improve indigenous biodiversity; f) reduce water temperature in summer; g) reduced nuisance macrophyte growth .	**That OBJ TANK 8 be amended as follows:** Aquatic ecosystem health and mauri of water bodies in the TANK catchment is maintained or improved by appropriate management of riparian margins to: a) reduce effects of contaminant loss from land use activities where this results in degradation of water quality or where water quality attributes are within the NOF 'D' Band; … c) reduce stream bank erosion where this results in degradation of water quality or where water quality attributes are within the NOF 'D' Band; … f) reduce water temperature in summer where this results in degradation of water quality or where water quality attributes are within the NOF 'D' Band; g) reduced nuisance macrophyte growth where this results in degradation of water quality or where water quality attributes are within the NOF 'D' Band.	Action to reduce water contaminants is only necessary where contaminants are degrading water quality, or where quality is within the NOF 'D' Band in the NPSFM. Otherwise the focus of the objective should be on maintaining present quality (unless quality is within the NOF 'D' Band)

	Name	Provision as notified	Relief sought	Reasons for relief
			And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.	
18	OBJ TANK 9	Activities in source protection areas for Registered Drinking Water Supplies are managed to ensure that they do not cause water in these zones to become unsuitable for human consumption, and that risks to the supply of safe drinking water are appropriately managed.	**That OBJ TANK 9 be retained as notified**	This objective is appropriate to freshwater management in this catchment
19	OBJ TANK 10	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Ahuriri** freshwater catchments so that the mauri, water quality and water quantity are maintained and enhanced where necessary to enable: a) Ahuriri estuary sediments to be healthy and not accumulate excessively; b) healthy ecosystems that contribute to the health of the estuary; c) healthy and diverse indigenous aquatic plant, fish and bird populations; d) people and communities to safely meet their domestic water needs; e) primary production water for community social and economic well-being; and provide for; f) contribution to the healthy functioning of the Ahuriri estuary ecosystem and enable people to safely carry out a wide range of social, cultural and recreational activities including swimming and the collection of mahinga kai in the estuary.	**That OBJ TANK 10 be retained as notified**	This objective is appropriate to freshwater management in this catchment
20	OBJ TANK 11	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Ngaruroro River catchment** so that the mauri, water quality and water quantity are maintained in the mainstem above the Whanawhana Cableway and in the Taruarau River, and are improved in the tributaries and lower reaches where necessary to enable; a) healthy ecosystems; b) healthy and diverse indigenous aquatic plant, animal and bird populations especially whitebait, torrent fish, macroinvertebrate communities, bird habitat on braided river reaches and a healthy trout fishery; c) people to safely carry out a wide range of social, cultural and recreational activities especially swimming and cultural practices of Uu and boating, including jet-boating in the braided reaches of the Ngaruroro; d) protection of the natural character, instream values and hydrological functioning of the Ngaruroro mainstem and Taruarau and Omahaki tributaries; e) collection of mahinga kai to provide for social and cultural well-being; f) people and communities to safely meet their domestic water needs; g) primary production water needs and water required for associated processing	**That OBJ TANK 11 be retained as notified**	This objective is appropriate to freshwater management in this catchment

	Name	Provision as notified	Relief sought	Reasons for relief
		and other urban activities to provide for community social and economic well-being; and provide for; h) contribution to water flows and water quality in the connected Heretaunga Plains Aquifers; i) contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.		
21	OBJ TANK 12	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Tūtaekurī River** catchment so that the mauri, water quality and water quantity are maintained in the upper reaches of the mainstem and are improved in the tributaries and lower reaches where necessary to enable: a) healthy ecosystems; b) healthy and diverse indigenous aquatic and bird populations especially , whitebait, torrent fish, macroinvertebrate communities and a healthy trout fishery; c) people to safely carry out a wide range of social, cultural and recreational activities, especially swimming and cultural practices of Uu and boating; d) protection of the natural character, instream values and hydrological functioning of the Tūtaekurī mainstem and Mangatutu tributary; e) collection of mahinga kai to provide for social and cultural well-being; f) people and communities to safely meet their domestic water needs; g) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; and provide for; h) contribution to the healthy functioning of Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary	**That OBJ TANK 12 be retained as notified**	This objective is appropriate to freshwater management in this catchment
22	OBJ TANK 13	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater is carried out in the **Karamū and Clive Rivers** catchment so that the mauri, water quality and water quantity are improved to enable; a) healthy ecosystems; b) healthy and diverse indigenous aquatic and bird populations, especially black patiki, tuna and whitebait, and healthy macroinvertebrate communities; c) people to safely carry out a wide range of social, recreational, and cultural activities,	**That OBJ TANK 13 be retained as notified**	This objective is appropriate to freshwater management in this catchment

	Name	Provision as notified	Relief sought	Reasons for relief
		including swimming and cultural practices of Uu and rowing and waka ama in the Clive/Karamū; d) collection of mahinga kai to provide for social and cultural well-being; e) people and communities to safely meet their domestic water needs; f) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; and provide for; g) contribution to the healthy functioning of the Waitangi Estuary ecosystem and to enable people to safely carry out a wide range of social, cultural and recreational activities and the collection of mahinga kai in the estuary.		
23	OBJ TANK 14	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking and using of freshwater is carried out so that the mauri, water quality, water quantity and groundwater levels are maintained in the **Groundwater** connected to the Ngaruroro, Tūtaekurī and Karamū rivers and their tributaries to enable; a) people and communities to safely meet their domestic water needs and to enable the provision of safe and secure supplies of water for municipal use; b) primary production water needs and water required for associated processing and other urban activities to provide for community social and economic well-being; and provide for; c) the maintenance of groundwater levels at an equilibrium that accounts for annual variation in climate and prevents long term decline or seawater intrusion; d) contribution to water flows and water quality in connected surface waterbodies.	**That OBJ TANK 14 be retained as notified**	This objective is appropriate to freshwater management in this catchment
24	OBJ TANK 15	In combination with meeting the water quality states specified in Schedule 26, the use and development of land, the discharge of contaminants and nutrients, and the taking, using damming and diverting of freshwater connected to the **Wetland and lake waahi taonga** within the TANK catchments is managed so that mauri, water quality and flows, and levels are maintained and improved to enable; a) healthy and diverse indigenous fish, bird and plant populations in wetland and lake areas and connected waterways; b) improved hydrological functioning in wetland and lakes and in connected waterways; c) people to safely carry out a wide range of social and culturalactivities; d) collection of mahinga kai to provide for social and culturalwell-being; e) contribution to improved water quality in connected surface waters; f) the protection of the outstanding values of the Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp; And to;	**That OBJ TANK 15 be amended by adding the following Note:** <u>Wet, damp, or boggy ground, and drains swales and stock drinking water dams within pastoral farmland, are not intended to be captured within the meaning of 'Wetland and lake waahi taonga' in this objective.</u> **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This objective should only relate to specific and/or identified 'Wetland and lake waahi taonga' and not to wet, damp or boggy ground, and drains swales and stock drinking water dams within pastoral farmland. Otherwise, maintenance and operation of these sorts of farm features risks being unnecessarily captured

	Name	Provision as notified	Relief sought	Reasons for relief
		g) increase the total wetland area by protecting and restoring 200ha hectares of existing wetland and reinstating or creating 100ha of additional wetland by 2040.		by the plan's resource management framework, which could result in farmers being subject to onerous delays and costs for resource consent applications to undertake day-to-day farm activities and maintenance for little or no environmental benefit.
25	OBJ TANK 16	Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order; a) Water for the essential needs of people; b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing and future demand as described in HPUDS (2017) can be met within the specified limits; c) Primary production on versatile soils; d) Other primary production food processing, industrial and commercial end uses; e) Other non-commercial end uses.	**That OBJ TANK 16 be amended as follows:** Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, water quantity allocation management and processes ensure water allocation in the following priority order; a) Water for the ~~essential~~ reasonable domestic needs of people, livestock drinking, and fire-fighting supply; b) The allocation and reservation of water for domestic supply including for marae and papakāinga, and for municipal supply so that existing ~~and future~~ demand as described in HPUDS (2017) can be met within the specified limits; bA) takes for animal welfare and sanitation (including shed wash down and milk cooling), takes for perishable food processing; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Livestock drinking water supply is important for the welfare of farm livestock, and should be afforded a priority in allocation considerations. Future demand should not be prioritised over reasonable existing demand.
26	OBJ TANK 17	The allocation and use of water results in; a) the development of Māori economic, cultural and social well-being supported through regulating the use and allocation of the water available at high flows for taking, storage and use; b) Water being available for abstraction at agreed reliability of supply standards; c) Efficient water use; d) Allocation regimes that are flexible and responsive, allowing water users to make	**That OBJ TANK 17 be amended as follows:** The allocation and use of water results in the sustainable management of freshwater quantity within limits, while enabling; a) ~~the development of Māori~~ economic, cultural and social well-being that is supported through	The focus of this objective should reflect Objective B5 of the NPSFM Water allocation should be effects

	Name	Provision as notified	Relief sought	Reasons for relief
		efficient use of this finite resource;	regulating the use and allocation of the water available at high flows for taking, storage and use; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	based and not based upon ownership treat based of land
27	OBJ TANK 18	The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through; a) water conservation, water use efficiency, and innovations in technology and management; b) flexible water allocation and management regimes; c) water reticulation; d) aquifer recharge and flow enhancement; e) Water harvesting and storage.	**That OBJ TANK 18 be amended as follows:** The current and foreseeable water needs of future generations and for mauri and ecosystem health are secured through; … e) Water harvesting ~~and,~~ storage and use. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Clause e) should include use, alongside 'harvesting and storage'
28	5.10.2 Policies: Surface Water and Groundwater Quality Management. Priority Management Approach	Priority Management Approach 1. The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders will regulate or manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state or where required show an improving trend towards the water quality targets shown in Schedule 26 by focussing on: a) water quality improvement in sub-catchments (as described in Schedule 28) where water quality is not meeting specified freshwater quality targets; b) sediment management as a key contaminant pathway to also address phosphorus and bacteria losses; c) the significant environmental stressors of excessive sedimentation and macrophyte growth in lowland rivers and nutrient loads entering the Ahuriri and Waitangi estuaries; d) the management of riparian margins; e) the management of urban stormwater networks and the reduction of contaminants in urban stormwater; f) the protection of water quality for domestic and municipal water supply. 2. In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District Council to: a) reduce water temperature and increase the level of dissolved oxygen by; (i) the establishment of riparian vegetation to shade the water and reduce macrophyte growth while accounting for flooding and drainage objectives;	**That Policies 1, 2, 3, 4 and 5 in 'Priority Management Approach' be amended as follows:** 1. The Council with landowners, local authorities, industry and community groups, mana whenua and other stakeholders, will ~~regulate or~~ manage land use activities and surface and groundwater bodies so that water quality attributes are maintained at their current state, or where required, show an improving trend towards the water quality targets shown in Schedule 26, by focussing on: … g) effects of climate change and related weather events on water quality; h) avoidance, remediation or mitigation of contaminant pathways; i) Management of surface water bodies to maintain minimum flows and levels to help maintain or improve water quality (e.g. water supply augmentation, river and stream bed maintenance). 2. In the Clive/Karamū Rivers and their tributaries, in addition to Policy 1 the Council will work with mana whenua, landowners and the Hastings District	The Policy needs to reflect HBRC's own State and Trend information and do not rely on extensive assessment from individual water users to benchmark the prioritisation of environmental improvement at the start. Otherwise, individual water users may end up paying for assessment of water quality in situations where improvement is not necessary. In Schedule 28, the suggested threshold of 10kgN/ha/yr for TN yield is set too low for a 'high-priority', given that:

	Name	Provision as notified	Relief sought	Reasons for relief
		(ii) reducing excessive macrophyte growth by physical removal of aquatic plants in the short term; b) adopt flow management regimes to remedy or mitigate the effects of surface and ground water abstraction; c) reduce the amount of sediment and nutrients entering the freshwater from adjacent land; d) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with poor site management practices, spills and accidents in urban areas (refer also to Policies 28 -31). 3. In lakes and wetlands in the TANK Catchments, in addition to Policy 1 the Council will work at a catchment scale with land owners in the wetland or lake catchments (refer to Policies 23 to 25) to: a) reduce sediment and nutrient inputs into the waterbody; b) improve water quality by increasing macrophyte plant growth in shallow lakes; c) improve ecosystem health and water quality by excluding stock and improving riparian management; d) meet water quality objectives in Schedule 26 for water bodies downstream of the lake or wetland; e) support and assist landowners to protect, increase or restore existing wetlands or create new wetlands including for the management of urban stormwater. 4. In the lower Ngaruroro and Tūtaekurī Rivers and their tributaries, in addition to Policy 1 the Council will work with landowners to: a) improve water clarity and reduce deposited sediment by reducing the amount of sediment being lost from land; b) reduce risk of proliferation of algae by reducing nutrient losses from land, including by reducing phosphorous loss associated with sediment; c) improve ecosystem health and water quality by excluding stock from surface water bodies and improving riparian management. 5. In the tributaries of the Ahuriri Estuary, in addition to Policy 1 the Council will work with mana whenua, landowners and the Napier City Council to: a) improve water clarity and reduce deposited sediment by reduce the amount of sediment being lost from land and river banks; b) reduce risk of proliferation of algae by reducing nutrient losses from land, including through management of phosphorous loss associated with sediment; c) improve stormwater and drainage water quality and the ecosystem health of urban waterways and reduce contamination of stormwater associated with	Council to: a) reduce water temperature and increase the level of dissolved oxygen by; (i) the establishment of riparian vegetation, where practicable, to shade the water and reduce reduceable macrophyte growth while accounting for flooding and drainage objectives; … b) adopt flow management regimes to manage ~~remedy or mitigate~~ the effects of surface and ground water abstraction; c) reduce the reduceable amount of sediment and nutrients entering the freshwater from adjacent land; … 3. In lakes and wetlands in the TANK Catchments, in addition to Policy 1 the Council will work at a catchment scale with land owners in the wetland or lake catchments (refer to Policies 23 to 25) to: a) reduce reduceable sediment and nutrient inputs into the waterbody; … c) improve ecosystem health and water quality by, where practicable: excluding stock, and improving riparian management; … 4. In the lower Ngaruroro and Tūtaekurī Rivers and their tributaries, in addition to Policy 1 the Council will work with landowners to: a) improve water clarity and reduce deposited sediment by reducing the amount of reduceable sediment being lost from land; b) reduce risk of proliferation of algae by reducing reduceable nutrient losses from land, including by reducing phosphorous loss associated with sediment; c) improve ecosystem health and water quality by, where practicable: excluding stock from surface water bodies and improving riparian management.	1) 90 percent of pastoral farms in the TANK catchment are mixed sheep and beef farms with a nominal TN yield greater than 10kgN/ha/yr, and; 2) there is no evident TN yield problem in most of the catchment in HBRC's State and Trend reports. HBRCs own State and Environment Trend reporting (2020) suggests that there are no areas in the TANK catchment that exceed the 'high priority' TN Concentration targets in Schedule 28. Only 3 streams that exceed the Medium priority targets (and the same three streams are the only waterways that exceed the low priority target). Yet the TN Concentration Priority Map for TANK shows vast areas in 'high' and 'medium' priority. Basing priorities on the proposed thresholds in Schedule 28 therefore appears somewhat arbitrary, and may

	Name	Provision as notified	Relief sought	Reasons for relief
		poor site management practices, spills and accident in urban areas; d) carry out further investigations to understand the estuary hydrology, functioning and environmental stressors.	5. In the tributaries of the Ahuriri Estuary, in addition to Policy 1 the Council will work with mana whenua, landowners and the Napier City Council to: a) improve water clarity and reduce deposited sediment by ~~reduce~~ reducing the amount of reduceable sediment being lost from land and river banks; b) reduce risk of proliferation of algae by reducing reduceable nutrient losses from land, including through management of phosphorous loss associated with sediment; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	unnecessarily result in everything being a 'high priority' for some types of attribute improvement. Where 'high priority' thresholds are set too low, it risks incurring onerous assessment costs and delays for little or no environmental benefit. The focus of policy 2(b) should be on *managing effects* through flow regimes. This allows flexibility to avoid/remedy/mitigate or offset as necessary, given that the hydraulic connectivity of TANK surface water bodies to the Heretaunga Aquifer is complex (such that singular management strategies may not always be appropriate). The focus of policies 2(a)(i), 3(c) and 4(c) should be on the improving riparian management *where practicable* (as it may not be practicable to improve riparian vegetation everywhere).

	Name	Provision as notified	Relief sought	Reasons for relief
				Similarly, the focus of Policies 3(c) and 4(c) should be on the excluding stock *where practicable* (as it may not be practicable to exclude stock everywhere, especially where hill country farms rely on stock access to waterways for drinking, as reticulation is not always possible and stock must have water to survive. Some farms will have terrain that is difficult to fence out stock due to cliffs, dense vegetation, or gravel making it hard to put in fence posts. Some farms will find excluding stock will marginalise productive land: where the waterway is near a boundary; or the waterway cuts across paddocks; meaning that land then becomes isolated and unusable)
29	5.10.2 Policies: Surface Water and Groundwater Quality Management. Protection of Source Water	6. The quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies will be protected, in addition to Policy 1, by the Council: a) identifying a source protection extent for small scale drinking water supplies or Source Protection Zones for large scale drinking water supplies by methods defined in Schedule 35; and b) regulating activities within Source Protection Zones that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water because of;	**That Policies 6 and 7 in 'Protection of Source Water' be amended as follows:** 6. The quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies will be protected, in addition to Policy 1, by the Council: … b) regulating activities within Source Protection	Holders of existing water permits and discharge consents within areas that are subject to applications for protection of water sources, should be consulted when applications to protect

	Name	Provision as notified	Relief sought	Reasons for relief
		(i) direct or indirect discharge of a contaminant to the source water including by overland flow or percolation to groundwater; (ii) an increased risk to the safety of the water supply as a result of a non-routine event; (iii)potentially impacting on the level or type of treatment required to maintain the safety of the water supply; (iv)shortening or quickening the connection between contaminants and the source water, including damage to a confining layer; (v) in the case of groundwater abstraction, the rate or volume of abstractions causing a change in groundwater flow direction or speed and/ or a change in hydrostatic pressure that is more than minor. 7. When considering applications to take water for a Registered Drinking Water Supply, the Council will: a) provide for the replacement or amendment of a source protection extent or Source Protection Zone which reflects the level of protection required for that supply, according to a method specified in Schedule 35; b) provide for the amendment of a Source Protection Zone where new information changes the outputs from the method specified in Schedule 35; c) require applications to include an assessment of the Source Protection Zone required, taking into account the factors set out in Schedule 35; d) have regard to: (i) the extent to which the application reflects the factors and methodology in Schedule 35 when establishing the Source Protection Zone; and (ii) the impacts, including any costs and benefits, of any additional restrictions in the Source Protection Zone; (iii)the level of consultation with land owners in the Source Protection Zone. 8. The Council will, when considering applications to discharge contaminants or carry out land or water use activities within: a) the source protection extent for Registered Drinking Water Supplies, take into account possible contamination pathways and risks to the quality of the source water for the water supply, b) A Source Protection Zone, avoid or mitigate risk of contamination from the activity of the source water for the water supply by taking into account criteria including but not limited to; (i) the amount, concentration and type of contaminants likely to be present as a result of the activity or in any discharge; (ii) the potential pathways for those contaminants, including any likely or potential preferred pathways; (iii)the mobility and survival rates of any pathogens likely to be in the discharge or arising as a result of the activity; (iv)any risks the proposed land use or discharge activity has either on its own or	Zones that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water taking account of the proximity and intensity of other water abstraction activities and discharges to the Drinking Water Supply abstraction point because of; c) recognising existing lawfully established water supply sources and lawfully established land uses located within areas that are subject to applications for source protection for small scale drinking water supplies or Source Protection Zones … 7. When considering applications to take water for a Registered Drinking Water Supply, the Council will: … d) have regard to: … (iii)the level of consultation with land owners and existing water permit holders and discharge consent holders in the Source Protection Zone (or proposed Source Protection Zone). (iv)the proximity and intensity of other water abstraction activities and discharges when determining the level of risk to the Drinking Water Supply … 8. The Council will, when considering proposals to discharge contaminants or carry out land or water use activities in resource consent applications, or applicable Farm Environment Plans, Catchment Collective Plans or Industry Programmes ~~to discharge contaminants or carry out land or water use activities~~ within: … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	source water are made. The policy framework should clearly provide protection for existing lawfully established bores/water supplies, as such supplies should not be undermined by applications to protect source water. Consideration should be given to the proximity and intensity of other water abstraction activities and discharges to the Registered Drinking Water Supply abstraction point when assessing the risk to the Registered Drinking Water Supply There is no need to require duplication of assessment processes (for other water take and discharges activities within Water Source Protection areas) by way of separate resource consent applications, if assessments are addressed in Farm Environment Plans, catchment Collective Plans or Industry Programmes.

	Name	Provision as notified	Relief sought	Reasons for relief
		in combination with other existing activities, including as a result of non-routine events; (v) ensuring the water supplier is aware of any abstraction of groundwater where abstraction has the potential to have more than a minor impact on flow direction or speed and/ or hydrostatic pressure; (vi) the effectiveness of any mitigation measures to avoid or mitigate risk of contaminants entering the source water and the extent to which the effectiveness of the mitigation measure can be verified; (vii) notification, monitoring or reporting requirements to the Registered Drinking Water Supplier. 9. The Council will work with the agencies which have roles and responsibilities for the provision of safe drinking water, including Napier City Council, Hastings District Council, Hawkes Bay District Health Board and Drinking Water Assessors and through multi-agency collaboration to: a) implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, water treatment and supply distribution standards; b) understand the nature and extent of the water resources used to supply communities, their connectivity with other waterbodies and their recharge sources; c) understand the nature of the relationship between water age and water quality, the use of water age as an attribute and implications for its management; d) understand risks to the quality of water used for Registered Drinking Water Supplies, including through consultation on any applicable resource applications in Source Protection Zones; e) maintain shared databases of activities, including information in consents for land and water use, that have the potential to adversely affect quality of water used for community supply; f) develop solutions that address risks to water quality including wastewater reticulation solutions in Source Protection Zones; g) implement a multi-barrier approach to the delivery of safe drinking water for Registered Drinking Water Supplies, through the consideration of source protection measures, and water treatment and supply standards.		
30	5.10.2 Policies: Surface Water and Groundwater Quality Management.	10. The Council will manage point source discharges (that are not stormwater discharges) so that after reasonable mixing, contaminants discharged either by themselves or in combination with other discharges do not cause the objectives for water quality in Schedule 26 to be exceeded and when considering applications to discharge contaminants will take into account: a) measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events;	**That Policy 10 in 'Managing Point Source Discharges' be retained as notified**	This policy is appropriate for freshwater management in this catchment

	Name	Provision as notified	Relief sought	Reasons for relief
	Managing Point Source Discharges	b) the degree to which a discharge is of a temporary nature, or is associated with necessary maintenance work. c) when it is an existing activity, identification of mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of water quality objectives.		
31	5.10.2 Policies: Surface Water and Groundwater Quality Management. Riparian Land Management	11. The Council will promote and support the establishment of riparian vegetation, including in conjunction with stock exclusion and setback regulations, that: a) contributes to the health of aquatic ecosystems especially for indigenous species; b) provides shading to reduce macrophyte growth and water temperature especially in lowland tributaries of the Karamū River; c) reduces contamination of water from land use activities; d) reduces river bank erosion; e) improves local amenity; f) enhances recreational activities; g) improves fish spawning habitat; h) assist in weed control. 12. When making decisions about riparian land management in accordance with Policy 11, the Council will account for management objectives related to land drainage and flood control and where appropriate, support establishment of native plant species in riparian margins to contribute to improving the region's indigenous biodiversity, the collection of mahinga kai, taonga raranga and taonga rongoa and the mauri of the river. 13. The Council will support improvement of riparian management to meet the specified timeframes (Policy 27) to provide for the values in Policies 11 and 12 by; a) working with industry groups and land owner collectives to identify where riparian management is to be improved; b) providing information about appropriate riparian planting that assists in meeting the values; c) regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies; d) providing funding assistance for riparian vegetation improvements; and e) when making decisions on applications for resource consent to; (i) take into account benefits arising to the values in Policy 11 and 12 as a result of the activity; (ii) consider whether to waive the fees and charges required to process the application where;	**That Policies 11 and 13 in 'Riparian Land Management' be amended as follows:** 11. Where practicable, ~~I~~ the Council will promote and support the establishment of riparian vegetation~~, including in conjunction with stock exclusion, and setback regulations,~~ that:… 13. The Council will support improvement of riparian management to meet the specified timeframes (Policy 27) to provide for the values in Policies 11 and 12 by; … c) regulating cultivation, stock access and indigenous vegetation clearance activities that have a significant adverse effect on functioning of riparian margins in relation to water quality and aquatic ecosystem health in adjacent waterbodies through rules for setbacks and stock exclusion; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The focus of Policy 11 should be an enabling policy about promoting and supporting riparian vegetation *where practicable*, as this may not always be appropriate (for resource consents, FEPs and Catchment Collective Plans to determine). Regulations for stock exclusion and setbacks are part of the 360 regulations, and should be read as coming under another policy (e.g. Policy 13(c)) where the focus is on how the Council will regulate activities that have significant adverse effects)

	Name	Provision as notified	Relief sought	Reasons for relief
		1. there is significant public benefit from the activity or the nature and scale of the activity results in significant ecosystem benefits; and 2. the activity is not a requirement of any other resource consent.		
32	5.10.2 Policies: Surface Water and Groundwater Quality Management. Wetland and Lake Management	14. The Council will regulate activities in and adjacent to wetlands and lakes and will support and encourage the maintenance and improvement of wetland values, including their value for: a) biodiversity and as a habitat for indigenous flora and fauna species; b) recreation (where appropriate); c) cultural uses including for tikanga Māori and mahinga kai; d) their role in the hydrological cycle, including their effects on both high and low flows; e) enhancement of water quality in connected waterbodies; f) fishery habitat. 15. The Council will support and encourage the restoration and extension of natural wetlands and lakes and the reinstatement or creation of additional wetlands to provide for or improve the values (a) – (f) in Policy 14 by working with mana whenua, industry and community groups, land owners and other stakeholders in alignment with the Regional Biodiversity Strategy to: a) identify priority areas where wetland and lake management can be improved b) identify priority areas where wetland extent can increased c) provide information to landowners about wetland and lake values and their management; d) provide funding assistance for wetland and lake protection and for construction of new wetlands and lakes; e) target resources where multiple objectives can be met; and f) when making decisions on applications for resource consent to; (i) take into account benefits arising to the values in Policy 14 as a result of the activity; (ii) consider whether to waive the fees and charges required to process the application where; 1. there is significant public benefit from the activity or the nature and scale of the activity result in significant ecosystem benefits; and 2. the activity is not a requirement of any other resource consent.	**That Policies 14 and 15 in 'Wetland and Lake Management' be retained as notified**	This policy is appropriate for freshwater management in this catchment
33	5.10.2 Policies: Surface Water and Groundwater	16. The Council will address the risks to human health and dogs from toxic phormidium by; a) regular monitoring and reporting on the incidence of algae, including toxic phormidium and nutrient concentrations and ratios of nutrients in	**That Policy 16 'Wetland and Lake Management' be amended as follows:** 16. The Council will address the risks to human health	The focus on managing toxic phormidium should be on *reduction*. Where

	Name	Provision as notified	Relief sought	Reasons for relief
	Quality Management. Phormidium Management	freshwater related to phormidium establishment; b) adopting applicable national guidelines for the monitoring and management of toxic algae; c) supporting national investigations into the incidence of toxic phormidium, the reasons for its establishment and measures to reduce the incidence; d) reducing nutrient and sediment inputs in accordance with Policies 17 and 20; e) maintain flushing flow; f) ensuring the public has information about phormidium risk, including as a result the accumulation of toxic algal mats.	and dogs from toxic phormidium by;… d) reducing reduceable nutrient and sediment inputs in accordance with Policies 17 and 20; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	sedimentation and nutrient and sediment inputs are already at a minimum, any further 'reduction' may not be achievable and would become an increasingly worthless pursuit.
34	5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Adaptive Approach to Nutrient and Contaminant Management	17. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures; a) establish programmes and processes through Farm Environment Plans, Catchment Collectives and Industry Programmes to ensure land managers; (i) adopt industry good practice; (ii) identify critical source areas of contaminants at both property and catchment scale; (iii) adopt effective measures to mitigate or reduce contaminant loss; (iv) prepare nutrient management plans in catchment not meeting targets for dissolved nitrogen. 18. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by; a) gathering information to determine sustainable nutrient loads; b) developing nutrient limits and a nutrient allocation regime if the management framework in Policy 17 is not leading to improved attribute states by the time this plan is reviewed; c) regulating land use change where there is a significant risk of increased nitrogen loss; d) gathering and assessing information about environmental state and trends and the impact of land use activities on these; e) working with industry groups, landowners and other stakeholders to undertake research and investigation into; (i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments; (ii) nutrient uptake and loss pathways at a property scale; (iii) measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes. 19. In catchments that do not meet objectives for dissolved nutrients specified in Schedule 26, the Council will ensure landowners, landowner collectives and	**That Policies 17, 18 and 19 in 'Adaptive Approach to Nutrient and Contaminant Management' be amended as follows:** 17. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 with landowners, industry groups, and other stakeholders and will implement the following measures; … b) managing land use activities through a rule framework that: (i) enables people and communities to provide for economic, social, and cultural well-being through a framework for Permitted Activities that provide flexibility to carry out activities that have only minor adverse effects; and (ii) for all other activities, provides processes for considering effects of land use activities through Farm Environment Plans, Catchment Collectives, and Industry Programmes in a more case-specific way 18. The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by; … c) regulating land use change where there is a significant risk of adverse effects from increased nitrogen loss;	Policy 17 needs to include allowance for permitted activities that have only minor adverse effects in terms of nutrients and contaminants. The focus in Policy 18(c) should be on *risk of adverse effects* from increased nitrogen loss. N-loss relies on modelling and is notoriously difficult to predict. There are many processes that occur (e.g. below the root zone) that arguably reduce harmful N compounds before these can enter waterbodies. If the policy focus were solely on risk of N-loss, then farmers may be onerously burdened with delays and costs for every bit of N-loss that could be deemed 'significant', rather than whether such loss

	Name	Provision as notified	Relief sought	Reasons for relief
		industry groups have nutrient management plans according to the priority order in Schedule 28.	… e) working with industry groups, landowners and other stakeholders to undertake research and investigation into; … (iii) measures to reduce reduceable nutrient losses at a property as well as catchment scale including those delivered through industry programmes. 19. In catchments that do not meet objectives for dissolved nutrients specified in Schedule 26, the Council will ensure landowners, landowner collectives and industry groups have nutrient management plans where Council *State and Trend* data on water quality indicates declining trends and poor state ~~according to the priority order in Schedule 28~~. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	is having an adverse effect or not. Also, the general focus on managing nutrients and contaminants throughout these policies should be or *reducing reduceable potential contaminants* . Where nutrients and contaminants are already at a minimum, any further 'reduction' may not be achievable and would become an increasingly worthless pursuit. Nutrient management under Policy 19 needs to be in the context of HBRCs current State and Trend information In Schedule 28, the suggested threshold of 10kgN/ha/yr for TN yield is set too low for a 'high-priority', given that: 1) 90 percent the pastoral farms in the TANK catchment are mixed sheep and beef farms with a nominal TN yield exceeding 10kgN/ha/yr, and; 2) there is no evident TN concentration problem in most of the catchment in

	Name	Provision as notified	Relief sought	Reasons for relief
				HBRC's State and Trend reports. HBRCs own State and Environment Trend reporting (2020) suggests that there are no areas in the TANK catchment that exceed the 'high priority' TN Concentration targets in Schedule 28. Only 3 streams that exceed the Medium priority targets (and the same three streams are the only waterways that exceed the low priority target). Yet the TN Concentration Priority Map for TANK shows vast areas in 'high' and 'medium' priority. Basing priorities on the proposed thresholds in Schedule 28 appears somewhat arbitrary, and may unnecessarily result in everything being a 'high priority' for some types of attribute improvement. Where 'high priority' thresholds are set too low, it risks incurring onerous assessment costs and delays for little or no environmental benefit.

	Name	Provision as notified	Relief sought	Reasons for relief
35	5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Sediment Management	20. The Council will reduce adverse effects on freshwater and coastal aquatic ecosystems from eroded sediment, and from the phosphorus associated with this, by prioritising the following mitigation measures; a) regulating cultivation, stock access and vegetation clearance activities; b) targeting priority areas and activities for sediment loss management where there is high sediment loss risk and working with land managers to identify and manage critical source areas of contaminants at both property and catchment scale; c) informing land managers where land is vulnerable to erosion, using tools such as SedNet and LUC; and providing information about measures that reduce soil loss; d) recognising the benefits provided by tree planting and retirement of land for erosion control as well as for mitigating climate change effects and improving indigenous biodiversity by; (i) targeting resources where multiple objectives can be met; (ii) and supporting landowners to retire land, establish forests where appropriate, and plant trees on land with high actual or potential erosion risk; e) Supporting and encouraging improved riparian management across all TANK catchments.	**That Policy 20 'Sediment Management' be amended as follows:** 20. The Council will <u>manage land and water use to</u> reduce adverse effects on freshwater and coastal aquatic ecosystems from eroded sediment, and from the phosphorus associated with this, by prioritising the following mitigation measures; … b) targeting priority areas and activities for sediment loss management where there is high sediment loss risk and working with land managers to identify and manage critical source<u>s</u> ~~areas~~ of contaminants at both property and catchment scale; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The focus of this policy should be on the Council managing land and water use to reduce effects of sedimentation (rather than the Council reducing effects itself). Also, the pertinent target for management is *critical sources* of contaminants (rather than 'source areas')
36	5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Land Use Change and Nutrient Losses	21. The Council will remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives by regulating land and water use changes that modelling indicates are likely to result in increased nitrogen loss (modelled on an annual, whole of property or whole of farm enterprise basis) and in making decisions on resource consent applications, the Council will take into account: a) whether freshwater quality objectives or targets are being met in the catchment where the activity is to be undertaken; b) where any relevant TANK Industry Programme or Catchment Collective is in place the extent to which the changed land use activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes; c) any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure the actual or potential contaminant loss occurring from the property, in combination with other contamination losses in the catchment will be consistent with meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and minimisation of nutrient losses; and will; d) avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for	**That Policy 21 'Land Use Change and Nutrient Losses' be amended as follows:** ~~Land Use Change and Nutrient Losses~~ <u>Nitrogen Management</u> 21. The Council will <u>manage harmful increases of nitrogen to</u> remedy or mitigate the potential impact of diffuse discharge of nitrogen on freshwater quality objectives ~~by regulating land and water use changes~~ that modelling indicates are likely to result in increased nitrogen <u>concentrations in water bodies.</u> ~~loss (modelled on an annual, whole of property or whole of farm enterprise basis),~~ <u>.</u> ~~and i~~ <u>In</u> making decisions on resource consent applications, the Council will take into account: a) whether freshwater quality objectives or <u>attribute</u> targets are being met in the catchment where the activity is to be undertaken; b) where any relevant TANK Industry	The title and wording of the policy are clunky. The focus of this policy should be about managing nitrogen degradation of freshwater resources. 'Land use change' itself is not the problem, and 'nutrient losses' and 'actual or potential contaminant' are too non-specific. The pertinent concern is concentration of TN in water bodies. The way this needs to be practically managed, is by assessing modelled N-loss from land use and working out how

	Name	Provision as notified	Relief sought	Reasons for relief
		dissolved nitrogen not being met.	Programme or Catchment Collective is in place, the extent to which ~~the changed~~ nitrogen loss from land use activity is consistent with the Industry Programme or Collective outcomes, mitigation measures and timeframes aimed at preventing increased nitrogen concentration degrading water bodies; c) any mitigation measures required, and timeframes by which they are to be implemented that are necessary to ensure ~~the actual or potential contaminant~~ nitrogen loss occurring from the property, in combination with other contamination losses and catchment processes (e.g. attenuation) in the catchment will be ~~consistent with~~ appropriate in meeting freshwater quality objectives, including performance in relation to industry good practice, efficient use of nutrients and ~~minimisation of~~ reduction of reduceable nutrient losses; ~~and will;~~ d) ~~avoid land use change that will result in increased nitrogen loss that contributes to water quality objectives and targets in Schedule 26 for dissolved nitrogen not being met.~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	this relates to in-stream concentration of TN. This process itself is notoriously difficult to accurately assess and is fraught with technical difficulties relating N-loss from land use to in-stream TN concentrations. All sorts of caveats have been published about the efficacy of relying on modelled N loss to manage environmental degradation from N in a regulatory setting (including from the Parliamentary Commissioner for the Environment.) Therefore, any policy aimed at this should be as unambiguous as possible, lest the purpose of assessment gets further muddied. The NESFM controls freshwater quality, and the provisions in clause d) are already address in clauses a)-c).
37	5.10.3 Policies: Managing Adverse Effects From Land Use on Water	22. The Council will regulate the exclusion of cattle, deer and pigs from rivers, lakes and wetlands, and when considering an application for resource consent or when making decisions about stock exclusion in Industry or Catchment Collective Plans or when making decisions about Farm Environment Plan requirements to take into account the following matters:	**That Policy 22 in 'Stock Exclusion' be amended as follows:** 22. The Council will regulate the exclusion of cattle, deer and pigs from rivers, lakes and wetlands, and when considering an application for resource	Stock exclusion will not be achievable for all farms. Many large, hill country farms rely on stock access to

	Name	Provision as notified	Relief sought	Reasons for relief
	Quality (Diffuse Discharges) Stock Exclusion	a) assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the water body that could effectively or efficiently be reduced by stock exclusion, bridging or culverting; b) identifying whether there are alternative measures to meet water quality outcomes and improve ecosystem health, including by managing bank erosion or reducing sediment losses to water in contributing areas, altering land uses, or providing reticulated water for stock; c) whether stock exclusion is practicable in the circumstances including in relation to; (i) total costs of stock exclusion measures compared to expected water quality benefit; assessed in (a) and other possible adverse effects including stock welfare; (ii) technical or practical challenges of any works required for stock exclusion to be effective; (iii) potential costs and benefits provided by alternative measures compared to stock exclusion.	consent or when making decisions about stock exclusion in Industry or Catchment Collective Plans or when making decisions about Farm Environment Plan requirements to take into account the following matters: a) assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the water body that could effectively or efficiently be reduced, where these are reduceable, by stock exclusion, bridging or culverting; … c) whether stock exclusion is impracticable in the circumstances including in relation to; … (iv) reliance on stock access to waterways for livestock drinking, where water supply by reticulation or dams is not possible or is impracticable. (v) terrain is difficult to fence due to cliffs, dense vegetation, or hard gravel/rock ground (vi) where the waterway is near a boundary; or the waterway cuts across paddocks; meaning that land then becomes isolated and unusable **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	waterways for drinking, as reticulation is not always possible and stock must have water to survive. Some farms will have terrain that is difficult to fence out stock due to cliffs, dense vegetation, or gravel making it hard to put in fence posts. Some farms will find excluding stock will marginalise productive land: where the waterway is near a boundary; or the waterway cuts across paddocks; meaning that land then becomes isolated and unusable. This farm in the Ngaruroro catchment has a stream (blue line) running near the boundary. Excluding stock would mean the area between the stream and the boundary becomes isolated and unusable. For one farm this may not add up to a great amount of hectares, although some individually owned farms may lose considerable pasture. Collectively, over the TANK catchments, requirements to

	Name	Provision as notified	Relief sought	Reasons for relief
				exclude stock from riparian areas could represent a significant loss of productive land.
38	5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Industry Programmes and Catchment Management	23. The Council will support the establishment and operation of Industry Programmes and Catchment Collectives and: a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers; b) support local investigation and water monitoring programmes where information gaps exist; c) support development and use of catchment scale models that assist in identification and management of critical source areas; d) support catchment and farm scale decision making to meet freshwater objectives and encourage local solutions and innovative and flexible responses to water quality issues; e) work with water permit holders to encourage and support establishment of catchment collectives that address both freshwater quality objectives and stream flow management through environmental management programmes as specified in Schedule 30 and Schedule 36 and within the timeframes specified in Schedule 28. 24. The Council will continue to work with landowners, industry groups and other stakeholders to manage land and water use activities so that they meet objectives for freshwater/aquatic ecosystems by: a) further supporting the development of Industry Programmes that contribute to meeting applicable freshwater objectives and that; (i) identify practices that contribute to meeting applicable freshwater objectives; (ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses; (iii) ensure individual performance under an Industry Programme is monitored; (iv) provide annual reports to the Council on progressive implementation of measures identified in Industry Programmes established under Schedule 30 and progress towards meeting applicable objectives for water quality; (v) promote adoption of good industry practice; (vi) ensure that Industry Programmes are consistent with the requirements of Schedule 30; b) supporting landowners to establish Catchment Collectives to develop and implement environmental management plans that contribute to meeting applicable freshwater objectives and that;	**That Policies 23 and 24 in 5.10.3 'Industry Programmes and Catchment Management' be amended as follows:** 23. The Council will support the establishment and operation of Industry Programmes and Catchment Collectives and: a) ensure any relevant information or expertise for making sustainable land management decisions is available to land managers, resource consent holders, and water resource users who are part of Industry Programmes and Catchment Collectives; b) support local investigation and water monitoring programmes ~~where information gaps exist~~ necessary for Industry Programmes and Catchment Collectives; … e) work with water permit holders and discharge consent holders to encourage and support establishment of catchment collectives that address both freshwater quality objectives and stream flow management through environmental management programmes as specified in Schedule 30 and Schedule 36 and within the timeframes specified in Schedule 28. 24. The Council will continue to work with landowners, industry groups and other stakeholders to manage land and water use activities so that they meet objectives for freshwater/aquatic ecosystems by: … b) supporting landowners to establish Catchment Collectives to develop and implement environmental management plans that contribute to meeting applicable freshwater objectives and that;	The term 'Land manager(s)' is not defined. Therefore, the policy assistance should be directed to resource consent holders and water resource users who are part of Industry Programmes and Catchment Collectives. Industry Programmes and Catchment Collectives will be focussed at the scale of sub-catchments or catchments, therefore there will be information requirements needed to understand the combined impact of members of these programmes, and the Council needs to be involved in the assessment of this information in order to effectively engage with Industry Programmes and Catchment Collectives

	Name	Provision as notified	Relief sought	Reasons for relief
		(i) identify and adopt measures at a property scale and collectively with other land managers that reduce contaminant losses or remedy or mitigate the effects of land use on freshwater objectives; (ii) specify timeframes for completion or adoption of measures to mitigate contaminant losses; (iii) ensure individual performance under a catchment collective is monitored; (iv) provide annual reports to the Council on progressive implementation of measures identified in landowner collectives established under Schedule 30 and progress towards meeting applicable objectives for water quality; (v) promote adoption of good agricultural practice; (vi) ensure programmes prepared by a collective are consistent with the requirements of Schedule 30; c) Approving any Landowner Collective or Industry Programme developed under Schedule 30; d) Auditing Landowner Collective or Industry Programmes prepared and approved under Schedule 30 including auditing of member properties.	(i) identify and adopt measures at a property scale and collectively with other land managers, consent holders and water resource users that reduce contaminant losses or remedy or mitigate the effects of land use on freshwater objectives; … e) establishing a community catchment group representative governance body manage the functioning of catchment collectives and provide administrative support for these and provide recommendations for future plan reviews to facilitate these duties. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
39	5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Management and compliance.	26. Where individuals are members of a Catchment Collective or Industry Programme but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 30, or do not follow the agreed terms of membership the Council will; a) provide a conflict resolution service; b) where an individual is no longer, or is deemed through conflict resolution processes not to be, a member the Council will; (i) require the development of a farm plan for that property within 6 months or; (ii) require an application for a land use consent to be made; c) take appropriate enforcement action.	**That Policy 26 - Management and compliance, be amended as follows:** 26. Where individuals are members of a Catchment Collective or Industry Programme but do not undertake their activity in accordance with the approved plan prepared in accordance with Schedule 30, or do not follow the agreed terms of membership the Council will; aa) aim to achieve compliance through Catchment Collective or Industry Programme rules in the first instance a) provide a conflict resolution service; b) where an individual is no longer, or is deemed through conflict resolution processes not to be, a member the Council will; (i) require the development of a farm plan for that property within 6 months or; (ii) require an application for a land use consent to be made; c) take appropriate enforcement action where all the processes above have been exhausted. **And any consequential amendments needed to give effect**	Remedial action on Catchment Collectives and Industry Programmes should be undertaken with Catchment Collectives and/or Industry Groups in the 1st instance, before enforcement action is even contemplated, especially given the emphasis on use of Catchment Collectives and Industry Programmes to address resource management in a complex and devolved way.

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td></td><td>to the above relief or to otherwise satisfy our concerns.</td><td></td></tr>
<tr><td>40</td><td>5.10.3 Policies: Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges)

Timeframes; Water and Ecosystem Quality.</td><td>27. The Council will develop an implementation plan for this Plan Change with industry groups, landowners, water permit holders, tangata whenua, and other stakeholders to ensure that the land owners and lease holders are engaged in industry or landowner collective programmes or have prepared farm environmental plans within the timeframes in Schedule 28 and to ensure reporting (as specified in Schedule 30) on the milestones in Table 1 below.

Table 1: Milestones and Timeframes
<table>
<tr><th>Action</th><th>Activity</th><th>Milestone</th><th>Output to be reported on</th></tr>
<tr><td colspan="3">Stock and Riparian Land Management</td><td></td></tr>
<tr><td rowspan="2">1; Stock exclusion and riparian planting</td><td rowspan="2">Stock excluded from rivers in flat and rolling hill country

Riparian margins planted</td><td rowspan="2">Stock excluded by 2023</td><td>Km of stream with stock exclusion</td></tr>
<tr><td>Km of riparian margins planted</td></tr>
<tr><td>2; Stock exclusion and sediment mitigation</td><td>Stock access and sediment mitigation in hill country managed through environmental programme or farm plan</td><td>According to priority set out in Schedule 29</td><td>Soil erosion and critical source area mitigation measures and timeframes for implementation</td></tr>
<tr><td>3; Riparian management</td><td>Shading and planting in Karamū catchment and Heretaunga plains</td><td>200km of waterway subject to planting programmes</td><td>River and streams in Karamū catchment with riparian planting for shade</td></tr>
<tr><td colspan="3">Wetlands</td><td></td></tr>
<tr><td>4; wetland management and improvement</td><td>Protection and restoration of existing wetlands</td><td>100ha in 5 years and 200ha in ten years from operative date</td><td>Hectares of protected and restored wetland</td></tr>
<tr><td></td><td>Reinstatement or creation of additional wetland</td><td>100 ha reinstated or additional wetland</td><td>Hectares of new wetland</td></tr>
<tr><td colspan="3">Nutrient Management</td><td></td></tr>
<tr><td>5; Nutrient management</td><td>Nutrient management plans</td><td>According to priority set out in Schedule 28</td><td>Number of properties subject to nutrient plan</td></tr>
</table></td><td>That Policy 27 be amended as follows:

The Milestone for Stock exclusion from rivers in flat and rolling hill country, and for Stock access and sediment mitigation in hill country managed through environmental programme or farm plan, be amended to be consistent with the National Resource Management (Stock Exclusion) Regulations 2020. >

The Activity for Protection and restoration of existing wetlands, be amended as follows:

Protection and restoration of existing natural wetlands (not including any type of wet, damp or boggy ground that might incidentally occur as a result of land compaction, nor any ditch, drain, silt-trap, pit, bund, stock-water dam, or treatment pond associated with agricultural, pastoral or horticultural activities)

The Milestone for Protection and restoration of such existing wetlands (above), be amended as follows:

~~100ha in 5 years and~~ 200ha in ten years from operative date

The Activity for Reinstatement or creation of additional wetland, be amended as follows:

Reinstatement or creation of additional natural wetland

The Milestone for Reinstatement or creation of additional wetland (above), be amended as follows:

~~100ha in 5 years and~~ 200ha in ten years from operative date

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.</td><td>Stock exclusion and wetland protection and shading and planting programme dates should contain delayed commencement after the plan is operative to allow for changes that might occur in the policy as a result of the RMA Schedule 1 process, and to give landowners and farmers time to factor in allowance for the cost of protection/planting of whichever waterway margins and wetlands need protection as a result of that process. Otherwise farmers could be subject to undue cost to protect features needlessly. It may also take some time to get planting programmes set up.

The requirement to protect and restore existing wetlands or to reinstate or create additional wetlands, should not include any type of wet, damp or boggy ground that might incidentally occur as a result of land compaction, nor</td></tr>
</table>

	Name	Provision as notified	Relief sought	Reasons for relief
				any ditch, drain, silt-trap, pit, bund, stock-water dam, or treatment pond associated with agricultural, pastoral or horticultural activities. To do otherwise could subject farmers to onerous delays and costs for what amounts to needless regulation of productive farmland Requiring interim milestones for achieving such wetland protection may amount to an impractical target. The protection of ½ the amount of wetlands in half the timeframe may not reflect actual opportunities to protect wetlands.
41	5.10.4 Policies: Stormwater Management Urban Infrastructure.	28. The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development) industrial and trade premises and associated infrastructure, will be reduced or mitigated no later than 1 January 2025, by: a) Local Authorities adopting an integrated catchment management approach to the collection and discharge of stormwater; b) requiring stormwater to be discharged into a reticulated stormwater network where such a network is available or will be made available as part of the development; c) requiring increased retention or detention of stormwater, while not exacerbating flood hazards; d) taking into account site specific constraints including areas with high groundwater, source protection zones, and/or an outstanding water body ;	**That Policy 28 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		e) taking into account the collaborative approach of HBRC, Napier City and Hastings District councils in managing urban growth on the Heretaunga Plains as it relates to stormwater management; f) taking into account the effects of climate change when providing for new and upgrading existinginfrastructure; g) adopting, where practicable, a good practice approach to stormwater management including adoption of Low Impact Design for stormwater systems; h) amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities through consent conditions, that will achieve the freshwater objectives set out in this plan; i) developing and making available to the public advice about good stormwater management options(including through HBRC's guidelines); j) encouraging, through education and public awareness programmes, greater uptake and installation of measures that reduce risk of stormwater contamination; k) requiring, no later than 1 January 2025, the preparation and implementation of a site management plan and good site management practices on industrial and trade premises with a high risk of stormwater contamination and those in the high priority areas: (i) of the Ahuriri catchment; (ii) of the Karamū River and its tributaries; (iii) of land over the unconfined aquifer; and (iv) within identified drinking water Source Protection Zones.		
42	5.10.4 Policies: Stormwater Management Source Control.	29. Sources of stormwater contamination and contaminated stormwater will be reduced by: a) specifying requirements for the design and installation of stormwater control facilities on sites where there is a high risk of freshwater contamination arising from either the direct discharge of stormwater to freshwater, the discharge of stormwater to land where it might enter water or the discharge to a stormwater or drainage network; b) requiring the implementation of good site management practices on all sites where there is a risk of stormwater contamination arising from the use, or storage of contaminants; c) controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met.	**That Policy 29 be amended as follows:** 29. Sources of stormwater contamination and contaminated stormwater <u>discharged into publicly managed stormwater networks in urban and rural residential areas</u> will be reduced<u>, where these are reduceable,</u> by: … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This policy should be targeted at stormwater source control for stormwater discharges into publicly managed stormwater networks in urban and rural residential areas. Otherwise farmers could be needlessly subject to onerous costs and delays from being caught by rules triggering consent requirements for

	Name	Provision as notified	Relief sought	Reasons for relief
				stormwater runoff from farmland in rural areas.
43	5.10.4 Policies: Stormwater Management Dealing with the Legacy	30. Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks to meet: a) water quality objectives (where they are degraded by stormwater) and the identification of measures that ensure stormwater discharges will achieve at least: (i) the 80th percentile level of species protection in receiving waters by 1 January 2025; and (ii) the 95th percentile level3 of species protection by 31 December 2040. and b) except as in (a) above, the management objectives in Schedule 26 for freshwater and estuary health through resource consent conditions, including requirements; (i) to apply the Stream Ecological Valuation methodology to inform further actions; (ii) to install treatment devices within the drainage network where appropriate; (iii) for stream planting/re-alignment for aquatic ecosystem enhancement; (iv) for wetland creation, water sensitive design and other opportunities for increasing stormwater infiltration where appropriate; (v) recognise existing and planned investments in stormwater infrastructure.	**That Policy 30 be retained as notified**	
44	5.10.4 Policies: Stormwater Management Consistency and Collaboration; Integration of city, district and regional council rules and processes.	31. To achieve the freshwater quality objectives in this Plan, HBRC, with the Napier City and Hastings District Councils will, no later than 1 January 2025, implement similar stormwater performance standards including through the adoption of: a) good practice engineering standards: b) consistent plan rules and bylaws; c) shared information and approaches to education and advocacy; d) shared information and processes for monitoring and auditing individual site management on sites at high risk of stormwater contamination; e) consistent levels of service for stormwater management and infrastructure design; f) an integrated stormwater catchment management approach; g) undertaking a programme of mapping the stormwater networks and recording their capacity; h) aligning resource consent processes and having joint hearings to achieve	**That Policy 31 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		integrated management of proposals for urban activities particularly in respect of stormwater, water supply and wastewater provisions and implementation of the Heretaunga Plains Urban Development Strategy (2017).		
45	5.10.4 Policies: Stormwater Management Ahuriri Catchment.	32. The Council will support the development of an Ahuriri Estuary Integrated Catchment Management Plan by; a) improving the quality of freshwater entering the Ahuriri Estuary through the measures included in this plan; and b) carrying out investigations to help better understand processes and functions occurring within the estuary and its connected freshwater bodies.	**That Policy 32 be retained as notified**	
46	5.10.5 Policies: Monitoring and Review	33. The Council will recognise and support monitoring according to mātauranga Māori and will recognise and support local scale monitoring to assess ecosystem health and mauri including water quality in relation to identified values and its contribution to: a) understanding local ecosystem health and land and water use impacts on it; b) enabling kaitiaki and resource users' responsibilities for sustainable freshwater management to be met; c) assessing effectiveness of mitigation measures adopted to meet freshwater objectives; d) understanding state and trends of local water quality; e) adding to the regional knowledge about environmental state and trends; by; f) developing protocols and procedures for monitoring appropriate to the purpose of the monitoring; g) providing assistance and advice; h) supporting the provision of monitoring materials; i) collating and reporting on data as appropriate. 34. Council will meet regularly with representatives from TANK stakeholder groups to: a) review and report on the TANK implementation plan; b) identify issues arising and develop measures to enable their resolution. 35. The Council will monitor and report on the effectiveness of the TANK water quality management policies and rules and to assist in making decisions about reviewing or changing this management framework, the Council will: a) continue to monitor instream water quality and review and report on the progress towards and achievement of the water quality objectives in Schedule 26 and according to Objectives 2 and 3 of this Plan in its regular	**That Policy 33 be retained as notified** **That Policy 34 be amended as follows:** 34. Council will ~~meet regularly with representatives from TANK stakeholder groups~~ establish a representative Community Catchment Governance body to: a) review and report on the TANK implementation plan; b) identify issues arising and develop measures to enable their resolution. **That Policy 35 be amended as follows:** 35. The Council will monitor and report on the effectiveness of the TANK water quality management policies and rules and to assist in making decisions about reviewing or changing this management framework, the Council will: … c) monitor the progress towards the milestones listed in Policy 27, according to ~~timeframes~~ priorities specified in Schedule 28 and collate and report annually on information about; … ~~And~~ ~~f) commence a review of these provisions within ten years of <operative date> in~~	The focus of Schedule 28 is identifying High, Medium, Low and Long-term *priorities* for water quality issues. The focus in Policy 34 should be specific functions carried out through an organised structure. The requirement in clause f) of Policy 35 is an unnecessary duplication of what is stated in section 79 of the Act.

	Name	Provision as notified	Relief sought	Reasons for relief
		State of the Environment monitoring; b) monitor and report on the state of riparian land and wetlands, and carry out regular ecosystem habitat assessments, including native fish monitoring and through the application of mātauranga Māori tools and approaches when they are developed; c) monitor the progress towards the milestones listed in Policy 27, according to timeframes specified in Schedule 28 and collate and report annually on information about; (i) the nature and extent of the mitigation measures being adopted to meet water quality and/or quantity outcomes through Catchment Collectives, Industry Programmes and Farm Plans; (ii) the establishment of Catchment Collectives and assess progress in implementing the measures specified in their environment plans; (iii) the preparation of Farm Environment Plans and assess progress in implementing the measures specified in that plan; d) work with Industry Groups to collate information annually on the functioning and success of any Industry Programme in implementing measures specified in the Industry Programme; e) along with the Napier City Council and Hastings District Council, report annually on progress towards the improvement of the stormwater network, including reporting on the preparation of Site Management Plans for activities at risk of contaminating stormwater in urban areas; And f) commence a review of these provisions within ten years of <operative date> in accordance with section 79 of the RMA.	~~accordance with section 79 of the RMA.~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
47	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits Heretaunga Plains Aquifer Management	36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on: a) groundwater levels and aquifer depletion; b) flows in connected surface waterbodies; c) flows of the Ngaruroro River; d) groundwater quality through risks of sea water intrusion and water abstraction; e) tikanga and mātauranga Māori; and will adopt a staged approach to groundwater management that includes; f) avoiding further adverse effects by not allowing new water use; g) reducing existing levels of water use; h) mitigating the adverse effects of groundwater abstraction on flows in connected water bodies; i) gathering information about actual water use and its effects on stream depletion;	**That Policies 36, 37 and 38 in Heretaunga Plains Aquifer management be amended as follows:** 36. The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Unit on: … and will adopt a staged approach to groundwater management that includes; f) avoiding further adverse effects <u>in overallocated catchments</u> ~~by not allowing new water use~~; g) reducing existing levels of water ~~use~~ <u>overallocation</u>; …	The focus of these policies should be on avoiding increases/further overallocation and reducing existing overallocation (rather than being concerned about 'new water use' *per se*. 'New water use' is ambiguous) Federated Farmers understand that the suggested interim overallocation limit of

	Name	Provision as notified	Relief sought	Reasons for relief
		j) monitoring the effectiveness of stream flow maintenance and habitat enhancement schemes; k) including plan review directions to assess effectiveness of these measures. 37. In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit of 90 million cubic meters per year based on the actual and reasonable water use prior to 2017; b) avoid re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan; c) manage the Heretaunga Plains Water Management Unit as an over-allocated management unit and prevent any new allocations of groundwater; d) when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; (i) allocate groundwater the basis of the maximum quantity that is able to be abstracted during each year or irrigation season expressed in cubic meters per year; (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 (except as provided by Policy 50); e) mitigate stream depletion effects on lowland streams by providing for stream flow maintenance and habitat enhancement schemes. 38. The Council will restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will review permits or allocate water according to the plan policies and rules either: a) upon expiry of the consent; or b) in accordance with a review of all applicable permits within ten years of <the operative date>; whichever is the sooner.	37. In managing the allocation and use of groundwater in the Heretaunga Plains Water Management Unit, the Council will; a) adopt an interim allocation limit of <u>whichever is the greater amount of</u> 90 million cubic meters per year <u>or the total amount allocated by resource consents and for permitted and allowed activities, provided that the interim allocation limit shall be reviewed by 2025</u> ~~based on the actual and reasonable water use prior to 2017~~ <u></u>; … c) manage the Heretaunga Plains Water Management Unit as ~~an over~~ <u>a fully</u> allocated management unit and prevent any new allocations <u>that have the effect of causing it to become overallocated.</u> ~~of groundwater~~; … 38. The Council will ~~restrict the re-allocation of water to holders of permits to take and use water in the Heretaunga Water Management Unit issued before 2 May 2020 and will~~ review permits or allocate water according to the plan policies and rules either: … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	90 million cubic metres/annum is based on modelled information from a 'dry' year (2013) – rather than being 'actual and reasonable water use prior to 2017'. Federated Farmers understand there is no record of actual use. Any interim allocation limit should instead allow for total amount allocated by water permits, and permitted and allowed water use activities.
48	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits Flow Maintenance	39. When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will: a) either; (i) require abstraction to cease when an applicable stream flow maintenance scheme trigger is reached; or (ii) enable consent applicants to develop or contribute to stream flow maintenance and habitat enhancement schemes that; 1. contribute flow to lowland rivers where groundwater abstraction is depleting stream flows; and 2. improve oxygen levels and reduce water temperatures;	**That Policy 39 be deleted:** 39. When assessing applications to take groundwater in the Heretaunga Plains Water Management Unit the Council will: … b) assess the relative the contribution to stream depletion from groundwater takes ~~and require stream depletion to be off-set equitably by consent holders while providing for exceptions for~~	The RMA only provides for offsetting to be volunteered by applicants, and not required by plans or regulations Any improvements to water quality when assessing applications

	Name	Provision as notified	Relief sought	Reasons for relief
		b) assess the relative the contribution to stream depletion from groundwater takes and require stream depletion to be off-set equitably by consent holders while providing for exceptions for the use of water for essential human health; and c) enable permit holders to progressively and collectively through Water User Collectives develop and implement flow maintenance and habitat enhancement schemes as water permits are replaced or reviewed, in the order consistent with water permit expiry dates. 40. When assessing applications for a stream flow maintenance and habitat enhancement scheme the Council will have regard to: a) opportunities for maximising the length of waterbodies where habitat and stream flow is maintained or enhanced; b) any improvements to water quality, especially dissolved oxygen, and ecosystem health as a result of the stream flow maintenance and habitat enhancement schemes; c) the duration and magnitude of adverse effects as a consequence of flow maintenance scheme operation; d) the extent to which the applicant has engaged with mana whenua; e) and will; (i) allow site to site transfer of water to enable the operation of a flow enhancement scheme; (ii) enable water permit holders to work collectively to develop and operate stream flow maintenance and habitat enhancement schemes consistent with the requirements of Schedule 36 (iii) impose consent durations of 15 years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure. 41. The Council will remedy the stream depletion effects of groundwater takes in the Heretaunga Plains Water Management Unit on the Ngaruroro River, in consultation with mana whenua, land and water users and the wider community through: a) further investigating the environmental, technical, cultural and economic feasibility of a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes; b) if such a scheme is feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate; and c) if such a scheme is not feasible, to review alternative methods and examine	~~the use of water for essential human health~~; and … **That Policy 40 be amended as follows:** 40. When assessing applications for a stream flow maintenance and habitat enhancement scheme the Council will have regard to: … b) any <u>anticipated</u> improvements to water quality, especially dissolved oxygen, and ecosystem health as a result of the stream flow maintenance and habitat enhancement schemes; … e) and will; (i) … (iii) impose consent durations of ~~15~~ <u>25</u> ~~y~~years that are consistent with the term for groundwater takes affected by stream flow maintenance requirements, except where stream flow maintenance is being provided by significant water storage infrastructure in which case consent duration is consistent with the scale of the infrastructure. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.** **That Policy 41 be retained as notified**	for stream flow maintenance, will be *anticipated* improvements. 15 years is too-short a duration for farmers who may participate in schemes for stream flow maintenance and enhancement to be able to recoup their investment. Instead, the consent duration should be extended to 25 years to incentivise participation in stream flow enhancement schemes.

	Name	Provision as notified	Relief sought	Reasons for relief
		the costs and benefits of those.		
49	5.10.6 Policies: Heretaunga Plains Groundwater Levels and Allocation Limits Groundwater management review	42. After water has been re-allocated and consents reviewed in accordance with Policies 36 - 38, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine: a) the amount of water allocated in relation to the interim allocation limit; b) the total annual metered groundwater use for the Heretaunga Plains Water Management Unit during the ten years prior to the time of review; c) if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred; d) the extent of any stream flow maintenance and habitat enhancement schemes including in relation to; (i) the length of stream subject to flow maintenance; (ii) the extent of habitat enhancement including length of riparian margin improvements, and new or improved wetlands; (iii) the magnitude and duration of stream flow maintenance scheme operation; (iv) trends oxygen and temperature levels in affected streams. And will; e) In relation to plan objectives and adverse effects listed in Policy 36, assess; (i) the effects of the groundwater takes on stream flows; (ii) effectiveness of stream flow maintenance schemes in maintaining water flows and improving water quality; (iii) effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives; f) review the appropriateness of the allocation limit in relation to the freshwater objectives; g) develop a plan change to ensure any over-allocation is phased out.	**That Policy 42 be amended as follows** 42. After water has been re-allocated and consents reviewed in accordance with Policies 36 - 38, the Council will commence a review of these provisions <u>by 2025</u> ~~within ten years of <operative date> in accordance with Section 79 of the RMA~~ and will determine: … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This is consequential to our relief sought on Policy 37
50	5.10.7 Policies: Surface Water Flow Management Flow Management Regimes; Tūtaekurī, Ahuriri, Ngaruroro and Karamū	43. The Council will manage river flows and lake or wetland water levels affected by surface water abstraction activities, including groundwater abstraction in Zone 1, during low flow periods so that they meet objectives for aquatic ecosystem health, mauri, tikanga Māori values, and other instream values by; For the **Ngaruroro River**; a) maintaining the existing minimum flows for the Ngaruroro River and its tributaries; b) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Ngaruroro River;	**That Policy 43 be amended as follows:** 43. The Council will manage river flows and lake or wetland water levels affected by surface water abstraction activities, including groundwater abstraction in Zone 1, during low flow periods so that they meet objectives for aquatic ecosystem health, mauri, tikanga Māori values, and other instream values <u>and out-of-stream reliability of use</u> by;… **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Farmers need certainty and reliability of supply to help with day-to-day farm decision making and investment certainty

	Name	Provision as notified	Relief sought	Reasons for relief
		c) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply; d) establishing a limit for groundwater abstraction in the upper Ngaruroro catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available. For the **Tūtaekurī River;** e) increasing the minimum flow for the Tūtaekurī River and the Mangaone tributary and maintaining the minimum flow for the Mangatutu tributary; f) reducing the effects of abstraction from the mainstem and connected groundwater in Zone 1 by reducing the allocation limit for the Tūtaekurī River; g) establishing allocation limits for the river, connected groundwater in Zone 1 and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply; h) establishing a limit for groundwater abstraction in the upper Tūtaekurī catchment based on existing actual and reasonable use until more information about the nature and extent of that resource is available. For the **Karamū River**; i) maintaining existing flow management regimes for the Karamū River and its tributaries and contributing lakes and wetlands affected by groundwater abstraction and surface water abstractions; j) establishing allocation limits for the river and tributaries to account for the cumulative effects of all abstraction and provide water for abstraction at a reasonable security of supply. For the **Ahuriri Catchment Freshwater Streams**; k) establishing limits for ground and surface water abstraction based on existing actual and reasonable use until more information about the nature and extent of that resource is available.		
51	5.10.7 Policies: Surface Water Flow Management Paritua/Karewarewa Streams	44. The Council will recognise the connectivity between ground and surface water abstraction on the flows in the Paritua/Karewarewa Streams and their tributaries, acknowledge the contribution of flows from these streams to the flows in the Awanui Stream, Karamū River and the Heretaunga Plains Water Management Unit, and their importance to local marae and work with water permit holders, landowners and tangata whenua to; a) further refine the Heretaunga Plains Aquifer Model to improve model outputs for this catchment; b) investigate opportunities for wetland creation to improve hydrological functioning and water quality in the river, especially during low flows;	**That Policy 44 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		c) improve riparian management to provide shade, reduce macrophyte growth, increased dissolved oxygen levels and decrease water temperature; d) carry out resource investigations to understand natural stream flow regimes and feasible options for remediation including; (i) managed aquifer recharge; (ii) flow enhancement from groundwater; (iii) streambed modification to reduce losses to groundwater in highly conductive reaches; e) enable and support water permit holders and landowners to collectively manage the maintenance of specified flows in the Paritua/Karewarewa Streams; f) provide for water to be diverted from the Ngaruroro for the enhancement of flows in the Paritua Stream.		
52	5.10.7 Policies: Surface Water Flow Management General Water Allocation Policies	45. When assessing applications to take water the Council will; a) provide that the abstraction of water that has been taken at times of high flow and stored and released for subsequent use, is not subject to allocation limits; b) require water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry provided that telemetry will not normally be required where the consented rate of take is less than 5l/sec or where there are technical limitations to its installation; c) ensure water allocation from tributaries is accounted for within the total allocation limit for the relevant zone and that the total abstraction from any tributary does not exceed 30% of the MALF for that tributary unless otherwise specified in Schedule 31; d) offset the stream depletion effects of any groundwater takes in Zone 1, that were not previously considered stream depleting, by managing them as if they were in the Heretaunga Plains Water Management Unit; and (i) require contributions to an applicable lowland stream enhancement programme at a rate equivalent to the stream depletion effect consistent with Policy 39; or (ii) require the water take to cease when the minimum flow for the affected river is reached if a permit holder does not contribute under clause (i) where there is an applicable lowland stream enhancement; and (iii) allow further technical assessments to determine the extent of stream depletion effect.	**That Policy 45 be amended as follows:** 45. When assessing applications to take water the Council will; … ~~d) offset the stream depletion effects of any groundwater takes in Zone 1, that were not previously considered stream depleting, by managing them as if they were in the Heretaunga Plains Water Management Unit; and~~ ~~(i) require contributions to an applicable lowland stream enhancement programme at a rate equivalent to the stream depletion effect consistent with Policy 39~~; ~~or~~ ~~(ii) require the water take to cease when the minimum flow for the affected river is reached if a permit holder does not contribute under clause (i) where there is an applicable lowland stream enhancement; and~~ ~~(iii) allow further technical assessments to determine the extent of stream depletion effect.~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The relief sought in Clause (d) is consequential to our relief sought on Policy 39. With regard to clause d) (ii), water permit holders should be afforded reasonable reliance on their permit without any heretofore uncontemplated restriction on their consented take, which arises simply because stream depletion effects in Zone 1 were not previously considered stream depleting. This clause undermines reliance on existing water permits and with that, the aim of staged adaptive management.

	Name	Provision as notified	Relief sought	Reasons for relief
53	5.10.7 Policies: Surface Water Flow Management Water Use and Allocation – Efficiency	46. The Council will ensure efficient management of the allocation of water available for abstraction by: a) ensuring allocation limits and allocations of water for abstraction are calculated with known security of supply; b) ensuring water is allocated to meet actual and reasonable requirements; c) encouraging and supporting flexible management of water by permit holders so that the allocatable water can be used efficiently and within specified limits; d) on-going data collection and monitoring of water resources and water use to better understand patterns of water availability and water use and further develop efficient and effective water management provisions. 47. When considering applications for resource consent, the Council will ensure water is allocated and used efficiently by: a) ensuring that the technical means of using water are physically efficient through; (i) allocation of water for irrigation end-uses based on soil, climate and crop needs; (ii) requiring the adoption of good practice water use technology and processes that minimise the amount of water wasted; and (iii) the use of water meters; b) using the IRRICALC water demand model if available for the land use being applied for (or otherwise by a suitable equivalent approved by Council) to determine efficient water allocations for irrigation uses; c) allocating water for irrigation on the basis of a minimum water application efficiency standard of 80% and on a reliability standard that meets demand 95% of the time; d) requiring all non-irrigation water takes (except as provided by Policy 50 for municipal and papakāinga supplies) to show how water use efficiency of at least 80% is being met and is consistent with any applicable industry good practice; e) requiring new water takes and irrigation systems to be designed and installed in accordance with industry codes of practice and standards; f) requiring irrigation and other water use systems to be maintained and operated to ensure on-going efficient water use in accordance with any applicable industry codes of practice.	**That Policy 46 and 47 be retained as notified:**	
54	5.10.7 Policies: Surface Water Flow Management Water Use Change/Transfer	48. When considering any application to change the water use specified by a water permit, or to transfer a point of take to another point of take, to consider: a) declining applications where the transfer is to another water management zone unless; (i) new information provides more accurate specification of applicable zone boundaries;	**That Policy 48 be amended as follows:** Water Use ~~Change/~~Transfer 48. When considering any application to ~~change~~ increase the water ~~use~~ take specified by a water	The focus of this policy should be on limiting increases in water use when considering transfers, not on 'changes' per se, and

	Name	Provision as notified	Relief sought	Reasons for relief
		(ii) where the lowland tributaries of the Karamū River are over-allocated, whether the transfer of water take from surface to groundwater provides a net beneficial effect on surface water flows; b) effects on specified minimum flows and levels or other water users' access to water resulting from any changes to the rates or volume of take; c) any alteration to the nature, scale and location of adverse effects on the water body values listed in Schedule 25 and in the objectives of this Plan; d) effects of the alteration to the patterns of water use over time, including changes from seasonal use to water use occurring throughout the year or changes from season to season; e) except where a change of use and/or transfer is for the purpose of a flow enhancement or ecosystem improvement scheme, declining applications to transfer water away from irrigation end uses in order to protect water availability for the irrigation of the versatile land of the Heretaunga Plains for primary production especially the production of food; f) in Water Quality Management Units that are over-allocated, ensuring that transfers do not result in increased water use and to prevent the transfer of allocated but unused water; g) declining applications for a change of use from frost protection to any other end use; h) enabling the transfer of a point of take and change of water use to municipal water supplies, including for marae and papakāinga , (not including transfer to industrial uses above 15m3/day) from any other use for the efficient delivery of water supplies and to meet the communities' human health needs for water supply, subject to clause (b).	permit, or to transfer a point of take to another point of take, to consider: a) ~~declining applications~~ the adverse effect on the freshwater resource where the transfer is to another water management zone ~~unless~~ including; … ~~g) declining applications for a change of use from frost protection to any other end use;~~ … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	on the adverse effects on the freshwater resource from these.
55	5.10.7 Policies: Surface Water Flow Management Water Allocation - Permit Duration	49. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in: a) knowledge about the water bodies; b) over-allocation of water; c) patterns of water use; d) development of new technology; e) climate change effects; f) efficacy of flow enhancement schemes and any riparian margin upgrades; and the Council; g) will impose consent durations of 15 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter. h) will impose a consent duration for municipal supply consistent with the	**That Policy 49 be amended as follows:** 49. When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in: … g) will impose consent durations of ~~15~~ 20 years according to specified water management unit expiry dates. Future dates for expiry or review of consents within that catchment are every ~~15~~ 20 years thereafter.	A consent duration of 20 years allows more investment certainty for farmers facing an uncertain future in the face of likelihood of increasing disruption from droughts because of anthropogenic climate change. If also allows farmers more time to recoup investment in farm management plans and better facilitates a staged adaptive management approach

	Name	Provision as notified	Relief sought	Reasons for relief
		most recent HPUDS and will impose consent review requirements that align with the expiry of all other consents in the applicable management unit; i) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date, except where the application is subject to section 8.2.4 of the RRMP).	… **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
56	5.10.7 Policies: Surface Water Flow Management Water Allocation - Priority	50. In making decisions about resource consent applications for municipal and papakāinga water supply the Council will ensure the water needs of future community growth are met within water limits and; a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) to 2045; b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial and industrial) demand within the expected reticulation areas; and (i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency including whether an Infrastructure Leakage Index of 4 or better can be achieved; (ii) seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply; c) work collaboratively with Napier City and Hastings District Councils to; (i) develop an integrated planning approach thorough HPUDS that gives effect to the National Policy Statements within the limits of finite resources; (ii) develop a good understanding of the present and future regional water demand and opportunities for meeting this; (iii) identify communities at risk from low water reliability or quality and investigate reticulation options. 51. When making water shortage directions under Section 329 of the RMA, occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order; a) water for the maintenance of public health; b) water necessary for the maintenance of animal welfare; c) water essential for community well-being and health; d) water essential for survival of horticultural tree crops; e) uses where water is subject to seasonal demand for primary production; f) uses for which water is essential for the continued operation of a business,	**That Policies 50 and 51 be amended as follows:** 50. In making decisions about resource consent applications for municipal and papakāinga water supply the Council will ensure ~~the~~ water needs ~~of future community growth~~ are met within water limits and; ~~a) allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017) to 2045;~~ ~~b)~~ calculate water demand according to existing and ~~likely~~ planned residential, non-residential (schools, hospitals, commercial and industrial) demand within the expected reticulation areas; and (i) require that water demand and supply management plans are developed and adopted and industry good practice targets for water infrastructure management and water use efficiency including whether an Infrastructure Leakage Index of ~~4~~ 1 or better can be achieved; … 51. When making water shortage directions under Section 329 of the RMA, occurring when rivers have fallen below minimum flows and water use has decreased or ceased according to permit conditions, the Council will establish and consult with an emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi and MPI, to make decisions about providing for water uses in the following priority order;	The focus of this policy should be on water for existing and *planned* growth (as opposed to 'likely' growth). There is no excuse for Local Government wasting water on assumptions about 'likely' growth. Similarly, there is no excuse for local Government to aim for leniency in efficient use of water when farmers and everyone else are being asked to tighten their belts around water use. An Infrastructure leakage index of 1 should be achievable. (Waitakere City has achieved this in the past).

	Name	Provision as notified	Relief sought	Reasons for relief
		except where water is subject to seasonal demand for primary production or processing. The following uses will not be authorised under a water shortage direction: g) use of water not associated with the continued operation of a business or community well-being; h) non-essential amenity uses such as private swimming pools and car washing. Takes not subject to any restrictions are: i) firefighting uses; j) non-consumptive uses;	… e) uses where water is subject to seasonal demand for primary production, excluding water for individual reasonable domestic needs and the reasonable needs of a persons' animals for drinking water; … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
57	5.10.7 Policies: Surface Water Flow Management Over-Allocation	52. The Council will phase out over-allocation by; a) preventing any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020; b) for applications in respect of existing consents due for expiry or when reviewing consents, to; (i) allocate water according to demonstrated actual and reasonable need (except as provided for by Policy 50) (ii) impose conditions that require efficiency gains to be made, including through altering the volume, rate or timing of the take and requesting information to verify efficiency of water use relative to industry good practice standards; c) provide for, within the duration of the consent, meeting water efficiency standards where hardship can be demonstrated; d) reducing the amount of water permitted to be taken without consent, including those provided for by Section 14 (3)(b) of the RMA, except for authorised uses existing before 2 May 2020; e) encouraging voluntary reductions, site to site transfers (subject to clause (f)) or promoting water augmentation/harvesting; f) prevent site to site transfers of allocated but unused water that does not meet the definition of actual and reasonable use; g) enabling and supporting permit holders to develop flexible approaches to management and use of allocatable water within a management zone including through catchment collectives, water user groups , consent or well sharing or global water permits; h) enabling and supporting the rostering of water use or reducing the rate of takes in order to avoid water use restrictions at minimum or trigger flows.	**That Policy 52 be amended as follows:** 52. The Council will phase out over-allocation by; … b) for applications in respect of existing consents due for expiry or when reviewing consents, to; (i) allocate water according to demonstrated actual and reasonable need ~~(except as provided for by Policy 50)~~ … d) reducing the amount of water permitted to be taken without consent, ~~including those provided for by Section 14 (3)(b) of the RMA~~, except for authorised uses existing before 2 May 2020; …. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This is consequential to our relief sought on Policy 50 to achieve a consistent policy across all sectors RMA Section 14(3)(b) takes should be excluded from restrictions. The Act already sets out relevant considerations for such takes.
58	5.10.7 Policies: Surface Water Flow Management	53. When considering applications to take water for frost protection, the Council will avoid, remedy or mitigate actual and potential effects of the take on its own or in combination with other water takes; a) from groundwater in the Heretaunga Plains Water Management Unit on;	**That Policy 53 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
	Frost Protection	(i) neighbouring bores and existing water users;. (ii) connected surface water bodies; (iii) water quality as a result of any associated application of the water onto the ground where it might enter water; b) from surface water on; (i) instantaneous flow in the surface water body; (ii) fish spawning and existing water users; (iii) applicable minimum flows during November to April; (iv) water quality as a result of any associated application of the water onto the ground where it might enter water; By; c) taking into account any stream depletion effects of groundwater takes; d) imposing limits in relation to minimum flows or groundwater levels; e) requiring water metering, monitoring and reporting use of water for frost protection.		
59	5.10.8 Policies: High Flow Allocation Adverse Effects - Water Damming	54. When assessing applications to dam water and to take water from the dam impoundment, the Council will avoid, remedy or mitigate adverse effects of; a) potential changes to water quality arising from subsequent changes to land use activities that may occur as a result of water being allocated for take and use from the dam and whether relevant freshwater quality objectives can be met; b) the dam and any associated lake or reservoir, and any effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other storage structures or dams, on; (i) the uses and values for any water body identified in the objectives or Schedule 25; (ii) water levels and flows in connected water bodies, including lakes and wetlands; (iii) water quality, including effects on temperature and management of periphyton in connected water bodies; (iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment; (v) groundwater recharge; (vi) downstream land, property and infrastructure at risk from failure of the proposed dam; (vii) other water users; (viii) downstream river bed stability, including through sediment transfer and management of vegetation in river beds; c) whether there are practicable alternatives;	**That Policy 54 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		and, except as prohibited by Policy 58, will limit the amount of flow alteration so that the damming of surface water either on its own or in combination with other dams or water storage in a catchment does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that any dam in combination with other dams or high flow takes shall not cause changes to the river flow regime that are inconsistent with specified flow triggers.		
60	5.10.8 Policies: High Flow Allocation Adverse Effects - Water Take and Storage	55. When assessing applications to take water for off-stream storage or to take water from the impoundment the Council will avoid remedy or mitigate adverse effects of; a) potential changes to water quality arising from subsequent changes to land use activities as a result of water being allocated for take and use from the impoundment and whether relevant freshwater quality objectives can be met; b) the magnitude, frequency, duration and timing of water takes either by itself or cumulatively with other storage structures or dams, on; (i) the uses and values for any water body identified in the objectives; (ii) water levels and flows in connected water bodies, including lakes and wetlands; (iii) water quality, including effects on temperature and management of periphyton in connected water bodies; (iv) river ecology and aquatic ecosystems, including passage of fish and eels, indigenous species habitat and riparian habitat, including in relation to the storage impoundment; (v) groundwater recharge; (vi) downstream land, property and infrastructure at risk from failure of the proposed storage structure; (vii) other water users; and will limit the amount of flow alteration so that the taking of surface water does not cumulatively adversely affect the frequency of flows above three times the median flow by more than a minor amount and provided that; (viii) the high flow take ceases when the river is at or below the median flow; (ix) such high flow takes do not cumulatively exceed the specified allocation limits; (x) any takes to storage existing as at 2 May 2020 will continue to be provided for within new allocation limits and subject to existing flow triggers.	**That Policy 55 be retained as notified:**	

	Name	Provision as notified	Relief sought	Reasons for relief
61	5.10.8 Policies: High Flow Allocation Benefits of Water Storage and Augmentation	56. The Council will recognise beneficial effects of water storage and augmentation schemes, including water reticulation in the TANK catchments and out-of-stream-storage, and when considering applications for resource consent will take into account the nature and scale of the following criteria; a) benefits for aquatic organisms and other values in Schedule 25 or in relation to the objectives of this plan in affected water bodies; b) whether water availability is improved or the level to which the security of supply for water users is enhanced; c) whether the proposal provides for the productive potential of un-irrigated land or addresses the adverse effects of water allocation limits on land and water users, especially in relation to primary production on versatile land; d) whether the proposal provides benefits to downstream water bodies at times of low flows provided through releases from storage or the dam; e) the nature and scale of potential ecosystem benefits provided by the design and management of the water storage structure, its margins and any associated wetlands; f) benefits for other water users including recreational and cultural uses and any public health benefits; g) other community benefits including improving community resilience to climate change; h) whether the proposal provides for renewable electricity generation. 57. The Council will carry out further investigation to understand the present and potential future regional water demand and supply including for abstractive water uses and environmental enhancement and in relation to climate change. It will consider water storage options according to the criteria in Policy 56 in consultation with local authorities, tangata whenua, industry groups, resource users and the wider community when making decisions about water augmentation proposals in its Annual and Long Term Plans. 58. The Council will protect the instream water values and uses identified in Objectives 11 and 12 for the Ngaruroro and Tūtaekurī Rivers and their tributaries, the Taruarau, Omahaki, Mangatutu and Mangaone Rivers by prohibiting the construction of dams on the mainstem of those rivers.	**That Policies 56, 57 and 58 be retained as notified**	
62	5.10.8 Policies: High Flow Allocation High Flow Reservation	59. The Council will allocate 20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for the following activities; a) contribution to environmental enhancement that is in addition to any conditions imposed on the water storage proposal; b) improvement of access to water for domestic use by marae and papakāinga; c) the use of water for any activity, provided that; (i) it includes contribution to a fund managed by the Council in	**That Policies 59 and 60 be deleted,** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These policies threaten sensible water harvesting from high flows that are for primary production activities. It should be clear that:

	Name	Provision as notified	Relief sought	Reasons for relief
		consultation with mana whenua; and (ii) the fund will be used to provide for development of Māori wellbeing; (iii) the contribution to the fund is proportional to the amount of reserved water being taken and any commercial returns resulting from the application d) the development of land returned to a Post-Settlement Governance Entity (PSGE) through a Treaty Settlement. And in making decisions on applications to take and store this water the Council will; e) require information to be provided that demonstrates how the activity will provide for Māori economic, cultural or social well-being; f) have regard to the views of any affected PSGE or iwi authority arising from consultation about the application and any assessment of the potential to provide part, or all of the 20% high flow allocation: g) have regard to any relevant provisions for the storage and use of high flow allocation water for Māori development in any joint iwi/hapū management plans relevant to the application (where more than one PSGE, iwi/hapū is affected, the iwi management plan must be jointly prepared by the affected iwi/hapū). 60. When making decisions about resource consent applications to take and store high flow water, the Council will take into account the following matters: a) whether water allocated for development of Māori well-being is still available for allocation; b) whether there is any other application to take and use the high flow allocation for development of Māori well- being relevant to the application; c) the scale of the application and whether cost effective or practicable options for taking and using the high flow allocation for Māori development can be incorporated into the application; d) the location of the application and whether cost effective or practicable options for including taking and using water for Māori development can be developed as part of the application; e) whether there has been consultation on the potential to include taking and using all or part of the water allocated for Māori development into the application; f) whether it is the view of the applicant that a joint or integrated approach for the provision of the high flow water allocated to Māori development is not appropriate or feasible, and the reasons why this is the case.		1) these policies are not retrospective and 2) permits for high flow allocation for irrigation dams on individual farms should not be subject to this type of re-allocation. Otherwise, this is likely to have the perverse outcome of deterring individual farmer investment in off-stream storage during high flows, which could have widespread social and economic consequences. If this policy is intended to be tied to bigger water storage/augmentation schemes, then there needs to be clear parameters/rules around how it will be applied and the threshold(s) applicable to the policy, so that it doesn't capture private dams on individual farms.
63	6.10.1 Use of Production Land	**Status - Permitted Activity** The use of production land on farm properties or farming enterprises in the TANK catchments that are greater than 10 hectares pursuant to Section 9(2) RMA and	**That Rule TANK 1 be amended as follows:** **Status - Permitted Activity**	10 hectares is too-low a threshold for

	Name	Provision as notified	Relief sought	Reasons for relief
	TANK 1 Use of Production Land	associated non- point source discharges pursuant to Section 15 of the RMA. **Conditions/Standards/Terms** a) The property or farming enterprise land area has less than 75% plantation forest cover. b) Either; 1. The owner or manager of the property or enterprise is either a member of a TANK Industry Programme or a member of a TANK Catchment Collective within the timeframes specified in Schedule 28 and accordance with the requirements of Schedule 30; Or; 2. The property or enterprise owner or manager of the property shall prepare a Farm Environment Plan in accordance with the requirements of Schedule 30 and within the timeframes specified in Schedule 28; and the Farm Environment Plan is being implemented and; 1. the Council shall be provided with the Farm Environment Plan upon request; 2. information about the implementation of the mitigation measures identified for the property shall be supplied to the Council on request.	The use of production land on farm properties or farming enterprises in the TANK catchments that are greater than ~~10~~ 50 hectares pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA. **…** **Alternatively, that different farm area thresholds be applied for agriculture, horticulture, viticulture, and silviculture systems, and that the threshold for requiring Farm Environment Plans and Catchment Collectives for pastoral agriculture be 50ha, with appropriate Permitted Activity Conditions specified in the Plan.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	requiring FEPs for pastoral farming. Properties under 50ha have very limited viability for pastoral farming as such properties are mostly used for hobby farmlets. These properties are typically used for passive grazing of low numbers of stock/stock unit rates, or to grow and sell a small amount of hay in good years (not requiring irrigation). 20 ha is the minimum Rural Zone subdivision lot size in the Hastings District Plan (Rule 30.1.6) and people with pastoral farms in the 40-50ha range will be finding them increasingly difficult to farm and will be looking to subdivide them in half for rural living subdivision opportunities, or looking to convert them to more intensive land uses. Requiring pastoral farms smaller than 50ha participate in expensive and onerous FEP or Catchment Collective Plans will

	Name	Provision as notified	Relief sought	Reasons for relief
				have little or no overall environmental benefit. The total land area in properties under 50ha is only 2.9% of the total area of the farmed land within the TANK catchment. Yet there are 450 of these properties (out of a total of 898 'pastoral' properties) in the TANK catchment (compared to 222 properties under 10 ha in size). Therefore, excluding pastoral farms up to 50ha in size from requirement for FEPs (or related consents) will save Council and community effort in unnecessary assessment. The risk and quanta of adverse effects on the environment from not requiring assessments for pastoral farms under 50 ha will almost certainly be minor.
64	6.10.1 Use of Production Land TANK 2 Use of Production Land	**Status – Controlled Activity** The use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA **Conditions/Standards/Terms:** The activity does not meet condition (b) of Rule TANK 1.	**That Rule TANK 2 be amended as follows:** **Status – Controlled Activity** The use of production land on farm properties or farming enterprises that are greater than ~~10~~ 50 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA	The threshold for resource consent should be 50ha for the reasons outlined in relation to our submission point on Rule TANK 1

	Name	Provision as notified	Relief sought	Reasons for relief
		Matters for Control/Discretion 1. The freshwater water quality objectives and targets in Schedule 26 for the catchment where the activity is being undertaken and any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for; a) Efficient use of nutrients and minimisation of nutrient losses, b) Wetland management c) Riparian management d) Management of farm wastes e) Management of stock including in relation to water ways and contaminant losses to ground and surface water f) Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure g) Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply 2. Nature and scale of actual and potential contamination loss from the property in relation to the objectives specified in Schedule 26 3. Timeframes for any alternative mitigation measures 4. Duration of consent 5. Lapsing of consent 6. Review of consent conditions; 7. The collection, recording, monitoring and provision of information concerning the exercising of the consent Consent applications will generally be considered without notification and without the need to obtain written approval of affected persons	**…** **Alternatively, that different farm area thresholds be applied for agriculture, horticulture, viticulture, and silviculture systems, and that the threshold for requiring resource consent for pastoral agriculture farming properties be 50ha minimum.** **And that the following amendment be made:** **…** **Matters for Control/Discretion** 1. The freshwater water quality objectives and targets in Schedule 26 for the catchment where the activity is being undertaken and any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for; a) Efficient use of nutrients and ~~minimisation of~~ reduction of reduceable nutrient losses, **…** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
65	6.10.1 Use of Production Land TANK 3 Stock Access	**Status – Permitted Activity** Stock Access to rivers lakes and wetlands **Conditions/Standards/Terms** (a) The entry into or over the bed of any river lake or wetland by cattle, deer and pigs is a permitted activity provided that; (i) stock are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to; and (ii) The slope over 60% or more of the paddock is greater than 15 degrees of slope. (b) Rivers that are crossed by formed stock races are bridged or culverted by 31 May 2023. (c) The entry into or over the bed of any river, lake or wetland by cattle, deer and pigs not permitted by condition (a) is a permitted activity until 31 May 2023.	**That Rule TANK 3 be deleted or alternatively amended as follows:** … **Conditions/Standards/Terms** (a) The entry into or over the bed of any river lake or wetland by cattle, deer and pigs is a permitted activity provided that; (i) stock are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to; ~~and~~ or: (ii) Alternative measures are taken to prevent stock from causing bank erosion or sediment losses to water, such as	The Resource management Stock Exclusion Regulations 2020 already regulates stock access to waterways and wetlands. Exclusion will not be possible for many farms: those that rely on streams for stock drinking, rough or steep terrain like cliffs, dense vegetation, or gravel

	Name	Provision as notified	Relief sought	Reasons for relief
		(d) For rivers, conditions (a) to (c) apply only to rivers with an active formed channel.	permanent or temporary stock-proof fencing, and providing reticulated water for stock. ~~(ii) The slope over 60% or more of the paddock is greater than 15 degrees of slope.~~ (ii) stock shall not be excluded from any type of wet, damp or boggy ground that is not a wetland, or that might incidentally occur on farm land as a result of land compaction for normal farming operations, nor any ditch, drain, silt-trap, pit, bund, stockwater dam, or treatment pond associated with farming operations. (b) Rivers that are crossed by formed stock races are bridged or culverted by ~~31 May 2023~~ <3 years after the operative date of this plan>. (c) The entry into or over the bed of any river, lake or wetland by cattle, deer and pigs not permitted by condition (a) is a permitted activity until ~~31 May 2023~~ <3 years after the operative date of this plan>.. (d) For rivers, conditions (a) to (c) apply only to rivers with an active formed channel, except that for rivers and streams with an intermittently flowing waterway, stock shall be permitted to cross the dried up bed at times when the waterway is not flowing. Stock in hill country where average gradient is steeper than 7 degrees over 60% or more of the paddock, are exempt from requirement for stock exclusion under this rule. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	soil that makes putting in standards or posts impossible. Exclusion will isolate productive land between the waterway and the boundary or other features, where stock will be cut off from getting to. This will waste many hectares collectively. Unlike the Tukituki rules, there is no allowance to graze the riparian area for weed control. This needs to be rectified otherwise weeds will proliferate. Fennel is a problem. Better definition of "river." Marginal environmental gain yet enormous costs to fence off or bridge/culvert a dry creek. Financial assistance for fencing needed. Especially when farmers will be in recovery from this drought. Timeframe is only 2.5 years, much too short for such a big investment and potential reconfiguration of paddocks. Cattle and deer may not even walk over a bridge while being herded when there is little or no water in the creek.

	Name	Provision as notified	Relief sought	Reasons for relief
				Condition (a)(ii) in the notified version of the TANK plan does not make sense, and in any event, would not be necessary if condition (a)(i) and substitute condition (a)(ii) is met. The option of alternative methods to achieve water quality outcomes should be a permitted condition. If a farmer is unable to meet stock exclusion because of a factor like terrain, this person should be able to carry out any alternatives as a permitted activity The commencement date for compliance should be three years after the plan becomes operative. This will allow time for farmers to fence land that is difficult to fence for a range of reasons (including restricted physical accessibility and amount of fencing required). Farmers will have been waiting for the plan change to be notified to work out their budgets for stock exclusion, and the plan requirements for exclusion may change because of submissions and

	Name	Provision as notified	Relief sought	Reasons for relief
				further submissions etc. The wording of Rule TANK 3 a) ii) as notified is clumsy and difficult to understand and in any event 15 degrees to too-high-a-threshold for defining 'hill country'. A 7 degree slope is a more realistic proxy for determining hill country in the absence of identifying and mapping Hill Country. It is what MfE used to inform Winter Grazing regs in the 2019 Report by Landcare.
66	6.10.1 Use of Production Land TANK 4 Stock Access	**Status – Restricted Discretionary Activity** Stock Access to rivers lakes and wetlands **Conditions/Standards/Terms** The activity does not meet any one of the conditions (a) – (d) of Rule TANK 3. **Matters for Control/Discretion** 1. An assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the waterbody that could be effectively or efficiently reduced by stock exclusion, bridging or culverting 2. Alternative measures to meet water quality outcomes and improve ecosystem health, including by managing bank erosion or reducing sediment losses to water in contributing areas, altering land uses, or providing reticulated water for stock; 3. Whether stock exclusion is practicable in the circumstances including in relation to; a) total costs of stock exclusion measures compared to expected water quality benefit as assessed in relation to matter 1 and other possible adverse effects including stock welfare b) technical or practical challenges of any works required for stock exclusion to be effective c) potential costs and benefits provided by alternative measures compared to	**That Rule TANK 4 be deleted or alternatively amended as follows:** … **Matters for Control/Discretion** 1. An assessment of sources, scale and significance of adverse effects of sediment, phosphorus, nitrogen and bacterial inputs to the waterbody that could be effectively or efficiently reduced, where these are reduceable, by stock exclusion, bridging or culverting … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This is consequential to our relief sought in relation to Rule TANK 3

	Name	Provision as notified	Relief sought	Reasons for relief
		stock exclusion 4. Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply 5. Timeframes for any alternative mitigation measures 6. Duration of consent 7. Lapsing of consent 8. Review of consent conditions; 9. The collection, recording, monitoring and provision of information concerning the exercising of the consent		
67	6.10.1 Use of Production Land TANK 5 Use of Production Land	**Status – Controlled Activity** The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA **Conditions/Standards/Terms** a) Any change to the production land use activity commencing after 2 May 2020 is over more than 10% of the property or farming enterprise area. b) The production land is subject to a Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A. c) The Council may require information to be provided about production land use changes (note that the Schedule 30 requires collectives to record land use changes) **Matters for Control/Discretion** 1. Modelling using Overseer, or alternative model approved by Council to demonstrate the change in land use activity will be consistent with the requirements of Policy 21 2. The measures being undertaken by the TANK Landowner Collective in undertaking measures to meet water quality objectives, including how the effect of the new land use activity on contributing to the water quality objectives is being collectively addressed including by; a) Efficient use of nutrients and minimisation of nutrient losses, b) Wetland management c) Riparian management d) Management of farm wastes e) Management of stock including in relation to waterways and contaminant losses to ground and surface water f) Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure	**That Rule TANK 5 be amended as follows:** **Status – Controlled Activity** ~~The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA~~ The changing of the use of productive land from a. any land use to commercial vegetable production or viticulture, or b. woody vegetation to farming; or c. any land use to dairy farming, that are greater than 50 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA **Conditions/Standards/Terms** **…** ~~b) The production land is subject to a Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A.~~ … **Matters for Control/Discretion** … 2. The measures being undertaken by the TANK Landowner Collective in undertaking measures to meet water quality objectives,	Thresholds for this rule should be between different types of primary production activities to provide certainty. 10 hectares is too-low a threshold for requiring consent, for the reasons set forth in relation to our submission on Rule TANK 1. Requiring membership of a Catchment Collective as a trigger for compliance with controlled activity status unnecessarily, penalises people who cannot form a catchment collective.

	Name	Provision as notified	Relief sought	Reasons for relief
		g) Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply 3. Timeframes for any alternative mitigation measures 4. Duration of consent 5. Lapsing of consent 6. Review of consent conditions 7. The collection, recording, monitoring and provision of information including Overseer or alternative model files, Consent applications will generally be considered without notification and without the need to obtain written approval of affected persons.	including how the effect of the new land use activity ~~on~~ is contributing to the water quality objectives is being collectively addressed including by; a) Efficient use of nutrients and ~~minimisation of~~ reduction of reduceable nutrient losses, … **Alternatively, that different farm area thresholds be applied for agriculture, horticulture, viticulture, and silviculture systems, and that the threshold for requiring resource consent for pastoral agriculture farming properties be 50ha minimum.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
68	6.10.1 Use of Production Land TANK 6 Use of Production Land	**Status – Restricted Discretionary Activity** The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA **Conditions/Standards/Terms** a) The activity does not meet the conditions of TANK 5. b) Any change to a production land use activity over more than 10ha of the property or enterprise area commencing after 2 May 2020 that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29. **Matters for Control/Discretion** 1. Modelling using Overseer, or alternative model approved by Council to demonstrate the change in land use activity will be consistent with the requirements of Policy 21 2. Whether water quality limits and targets in Schedule 26 are being met in the catchment where the new activity is to be undertaken. 3. The extent to which the land use change will affect the ability to meet water quality objectives 4. Any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for; a) Efficient use of nutrients and minimisation of nutrient losses,	**That Rule TANK 6 be amended as follows:** **Status – Restricted Discretionary Activity** ~~The changing of a use of production land on farm properties or farming enterprises that are greater than 10 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA~~ The changing of the use of productive land from a. any land use to commercial vegetable production or viticulture, or b. woody vegetation to farming; or c. any land use to dairy farming. that are greater than 50 hectares in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA **Conditions/Standards/Terms** a) The activity does not meet the conditions of TANK 5. b) ~~Any change to a production land use activity over more than 10ha of the property or~~	The focus of this activity should be on limiting *intensification* (rather than 'change of use') of production land. *Change of use* is a generic factor. Use of this term is ambiguous and would create uncertainty. It could catch all manner of day-to-day changes that form part of farming activity, and which have little or no adverse effect on the environment. These could include having to temporarily de-stock and re-stock to cope with adverse events such as pandemics, weather-related events, and changing financial constraints

	Name	Provision as notified	Relief sought	Reasons for relief
		b) Wetland management c) Riparian management d) Management of farm wastes e) Management of stock including in relation to waterways and contaminant losses to ground and surface water f) Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure g) Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply 5. Timeframes for any alternative mitigation measures 6. Duration of consent 7. Lapsing of consent 8. Review of consent conditions 9. The collection, recording, monitoring and provision of information including Overseer or alternative model files.	~~enterprise area commencing after 2 May 2020 that results in the annual nitrogen loss increasing by more than the applicable amount shown in Table 2 in Schedule 29.~~ … **Matters for Control/Discretion** … 4. Any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good practice and requirements for; a) Efficient use of nutrients and ~~minimisation of~~ reduction of reduceable nutrient losses, … **Alternatively, that different farm area thresholds be applied for agriculture, horticulture, viticulture, and silviculture systems, and that the threshold for requiring resource consent for pastoral agriculture farming properties be 50ha minimum.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	and personal circumstances of individual farmers. Having to apply for resource consent for such minor changes would mean day-to-day farming practices would be caught by requirement for resource consent, triggering costs and delays that would be onerous for individual farmers, for little or no environmental benefit. 10 hectares is too-low a threshold for requiring consent for this activity, for the reasons set forth in relation to our submission on Rule TANK 1. The schedule 29 trigger is not needed because we have a better threshold for triggering consent in Rule TANK 5
69	6.10.2 Water – Take and Use TANK 7 Surface Water Take	**Status – Permitted Activity** The take and use of surface water in the TANK water Management Zones including under Section14(3)(b) of the RMA **Conditions/Standards/Terms** a) Any take first commencing after 2 May 2020 is not from any of the following: Maraekakaho Water Management Unit Ahuriri Water Management Unit Awanui Stream and its tributaries Poukawa Water Management Unit	**That Rule TANK 7 be amended as follows:** **Status – Permitted Activity** The take and use of surface water in the TANK water Management Zones ~~including under Section14(3)(b) of the RMA~~ **Conditions/Standards/Terms** … b) The take does not exceed ~~5~~ 20 cubic metres	Takes under section 14(3)(b) of the RMA should not be included in this rule. There is little practical difference between allowing existing permitted 20m³/day takes to continue, and

	Name	Provision as notified	Relief sought	Reasons for relief
		Louisa Stream and its tributaries b) The take does not exceed 5 cubic metres per day per any one property except: (i) Takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water; (ii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period. c) The taking of water does not cause any stream or river flow to cease. d) Fish, including eels shall be prevented from entering the reticulation system. e) The activity shall not cause changes to the flows or levels of water in any connected wetland. f) The take shall not prevent from taking water any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take. **A Means of Compliance for Condition d)** Installation of a screen or screens on the river intake that has a screen mesh size not greater than 3 millimetres and is constructed so that the intake velocity at the screen's outer surface is less than 0.3 metres per second and is maintained in good working order at all times.	per day per any one property except: (i) ~~Takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water;~~ … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	permitting a maximum take of 20m^3/day per property. Further, the combined effect of a 20m^3/day take from pastoral farming on the groundwater resource of the TANK catchment is minor. There are approximately 900 farms and lifestyle blocks in the TANK catchment. At 20m^3/day, the total rate of water for all these properties is 208 l/s. This amounts to one-fifth of the 'worst-case scenario' of 1,000 l/s peak demand on Heretaunga Aquifer during a dry year (2013), as modelled by HBRC staff. 80% of the problem with allocation in the TANK catchment, is the way consented takes are managed. Besides their minor overall impact on water use, permitted takes provide an efficient method of enabling flexible water use for farms without cumbersome delays and costs in assessments. Therefore, permitted takes should not be

	Name	Provision as notified	Relief sought	Reasons for relief
				targeted in water allocation clawbacks. Provided that minimum flows are maintained for the water bodies in Schedule 31, the benefits of efficient allocation and enabling individual flexibility by permitting a 20m³/day take for these properties would far outweigh the minor effect on water allocation.
70	6.10.2 Water – Take and Use TANK 8 Ground Water Take	**Status – Permitted Activity** The take and use of groundwater in the TANK Water Management Zones including under Section14(3)(b) of the RMA **Conditions/Standards/Terms** a) Any take first commencing after 2 May 2020 is not from the Poukawa Freshwater Management Unit (quantity). b) There is only one point of take per property and the take does not exceed 5 cubic metres per day except; (i) takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water. (ii) Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 cubic metre per 7 day period. (iii) The taking of water for aquifer testing is not restricted c) The rate of take shall not exceed 10 l/s other than aquifer testing for which the rate of take is not restricted. d) The take shall not prevent from taking water, any other lawfully established efficient groundwater take, or any lawfully established surface water take, which existed prior to commencement of the take. e) The take shall not cause changes to the flows or levels of water in any connected wetland. f) Backflow of water or contaminants into the bore shall be prevented.	**That Rule TANK 8 be amended as follows:** **Status – Permitted Activity** The take and use of groundwater in the TANK Water Management Zones ~~including under Section14(3)(b) of the RMA~~ **Conditions/Standards/Terms** a) Any take first commencing after 2 May 2020 is not from the Poukawa Freshwater Management Unit (quantity). b) There is only one point of take per property and the take does not exceed ~~5~~ 20 cubic metres per day except; ~~(i) takes existing as at 2 May 2020 may continue to take up to 20 cubic metres per property per day and to meet the reasonable needs of animals for drinking water.~~ … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Takes under section 14(3)(b) of the RMA should not be included in this rule. There is little practical difference between allowing existing permitted takes to continue, and permitting a maximum take of 20m³/day. Further, the combined effect of a 20m³/day take from pastoral farming on the groundwater resource of the TANK catchment is minor. There are approximately 900 farms and lifestyle blocks in the TANK catchment. At 20m³/day, the total

	Name	Provision as notified	Relief sought	Reasons for relief
				rate of water for all these properties is 208 l/s. This amounts to one-fifth of the 'worst-case scenario' of 1,000 l/s peak demand on Heretaunga Aquifer during a dry year (2013), as modelled by HBRC staff. The benefits of efficient allocation and enabling individual flexibility by permitting a 20m³/day take for these properties would far outweigh the minor effect on water flows and levels.
71	6.10.2 Water – Take and Use TANK 9 Ground Water Take – Heretaunga Plains	**Status – Restricted Discretionary Activity** Take of water from the Heretaunga Plains Water Management Unit where Section 124 of the RMA applies (applies to existing consents). **Conditions/Standards/Terms** a) The activity does not comply with the conditions of Rule TANK 8. b) An application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually. **Actual and Reasonable Re-allocation** **c)** The quantity taken and used for irrigation is the **actual and reasonable amount.** d) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for. e) Other than as provided in (c) or (d) the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal or (ii) any lesser quantity applied for (iii) the maximum annual water use in any one year within the 10 years preceding 1 August 2017 (including as demonstrated by accurate water	**That Rule TANK 9 be amended as follows:** **…** **Actual and Reasonable Re-allocation** … d) The quantity taken and used for municipal, community and papakāinga water supply <u>has regard to efficiency of use</u> ~~is:~~ ~~(i) the quantity specified on the permit being renewed; or~~ ~~(ii) any lesser quantity applied for.~~ **…** **General Conditions** i) A water meter is installed <u>unless the take is below 5L/s</u>. … **Matters for Control/Discretion** … 6. For applications to take water for municipal, community and papakāinga water supply;	Urban and non-urban supplies need to be on a level playing field. For takes smaller than 5L/s, it is too costly to install a water meter

	Name	Provision as notified	Relief sought	Reasons for relief
		meter records). **Stream Flow Maintenance Scheme** f) The water permit holder either: (i) contributes to or develops an applicable stream maintenance and habitat enhancement scheme that complies with the requirements of Schedule 36 at a rate equivalent to the stream flow depletion (in l/sec) which will be calculated using the Stream Depletion Calculator and based on the allocated amount of water. or (ii) The water take ceases when the flow in the affected stream fall below the specified trigger level in Schedule 31. g) Any take authorised under clause (d) is not subject to conditions (f) in respect of that part of the total allocated amount used for essential human health. **General Conditions** i) A water meter is installed. j) Back flow of water or contaminant entry into the bore shall be prevented. **Advisory Note:** Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 5 or 6 **Matters for Control/Discretion** 1. The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of: a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 2. The extent to which the application was subject to programmed or staged completion of authorised major infrastructure developments over time. 3. Previous history of exercising the previous consent. 4. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any minimum or trigger flow or level given in Schedule 31 and rates of take to limit drawdown effects on neighbouring bores. 5. Where the take is in a Source Protection Zone, the actual or potential effects of the rate of take and volume abstracted on the quality of source water for the water supply and any measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply	a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including whether an Infrastructure Leakage Index of 4 1 or better will be achieved. b. ~~Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017....~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	

	Name	Provision as notified	Relief sought	Reasons for relief
		irrespective of any treatment including notification requirements to the Registered Drinking Water supplier 6. For applications to take water for municipal, community and papakāinga water supply; a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including whether an Infrastructure Leakage Index of 4 or better will be achieved. b. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017. c. water demand based on residential and non-residential use including for schools, rest homes, hospitals commercial and industrial demand within the planned reticulation areas d. any Source Protection Zone or extent (as specified in Schedule 35) and i. any proposed changes to provisional protection areas and ii. the impacts of any changes to restrictions on land or water use activities in the protection area. 7. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through ponding and runoff and percolation to groundwater. 8. The effects of any water take and use for frost protection on the flows in connected surface water bodies. 9. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection, measures to ensure that the take and use of water meets an efficiency of use of at least 80% 10. Management of bores including means of backflow prevention and ensuring well security. 11. Information to be supplied and monitoring requirements including timing and nature of water metering data reporting and the installation of telemetered recording and reporting 12. The duration of the consent (Section 123 of the RMA) as provided for in Schedule 33 timing of reviews and purposes of reviews (Section 128 of the RMA). 13. Lapsing of the consent (Section 125(1) of the RMA). 14. Stream flow depletion amount in litres per second calculated using the Stream Depletion Calculator 15. Stream flow maintenance and habitat enhancement.		
72	6.10.2 Water – Take and Use TANK 10 Surface and groundwater water takes	**Status – Restricted Discretionary Activity** To take and use water where Section 124 applies (applies to existing consents). **Conditions/Standards/Terms** a) The take is not from the Heretaunga Plains Water Management Unit (quantity). b) The taking and use of water from surface or groundwater water bodies does not	**That Rule TANK 10 be amended as follows:** … **Actual and Reasonable Re-allocation** …	The limiting factor should be focussed on preventing general <u>increases</u> in water use, as opposed to 'change' of water use. *Change*

	Name	Provision as notified	Relief sought	Reasons for relief
	(abstraction at low flows)	comply with conditions of TANK 7, or TANK 8. c) Where the take was previously subject to a condition restricting the take at flows that are higher than the applicable flow specified in Schedule 31, the higher flow will continue to apply. d) An application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually. **Actual and Reasonable Re-allocation** e) The quantity taken and used for irrigation is the actual and reasonable amount. f) The quantity taken and used for municipal, community and papakāinga water supply is: (i) the quantity specified on the permit being renewed; or (ii) any lesser quantity applied for g) Other than as provided in (e) or (f), the quantity taken and used is the least of: (i) the quantity specified on the permit due for renewal; or (ii) any lesser quantity applied for; (iii) the maximum annual water use in any one year within the 10 years preceding 2 May 2020 (including as demonstrated by accurate water meter records). **Surface Water Management (quantity)** h) Any take from groundwater in Zone 1 authorised as at 2 May 2020 in any surface Water Management Unit (quantity) is subject to either; (i) a restriction in water flow when the applicable minimum flow is reached in the relevant zone (as shown in Schedule 31); Or (ii) the take complies with conditions (f) and (g) of rule TANK 9 where there is an applicable scheme. **General Conditions** i) A water meter is installed. j) Fish and eels are prevented from entering the reticulation system. k) Back flow of water or contaminants into any bore shall be prevented. **Advisory Note:** Any application to change water use as specified under (c) (d) or (e) may trigger a consent requirement under Rules TANK 5 or 6. **Means of Compliance for Condition (j)** Installation of a screen or screens on the river intake that has a screen mesh size not greater than 3 millimetres and is constructed so that the intake velocity at the screen's	f) The quantity taken and used for municipal, community and papakāinga water supply has regard to efficiency of use ~~is:~~ ~~(i) the quantity specified on the permit being renewed; or~~ ~~(ii) any lesser quantity applied for~~ … **Matters for Control/Discretion** 1. The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of: … e. whether the existing consent holder has been able to previously conserve water use due to factors such as varying natural abundance of rainfall or through careful management, and the need for allocation is occasioned to be greater than what may be considered as 'actual and reasonable' under the circumstances. … 5. For applications to take water for municipal, community and papakāinga water supply; a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including whether an Infrastructure Leakage Index of ~~4~~ 1 or better will be achieved. b. ~~Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017.~~ … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	*of use* is a generic factor. Use of this term is ambiguous and would create uncertainty. It could catch all manner of day-to-day changes that form part of farming activity, and which have little or no adverse effect on the environment. These could include having to temporarily de-stock and re-stock to cope with adverse events such as pandemics, weather-related events, and changing financial constraints and personal circumstances of individual farmers. Having to apply for resource consent for such minor changes would mean day-to-day farming practices would be caught by requirement for resource consent, triggering costs and delays that would be onerous for individual farmers, for little or no environmental benefit.

		outer surface is less than 0.3 metres per second and is maintained in good working order at all times. **Matters for Control/Discretion** 1. The extent to which the need for water has been demonstrated and is actual and reasonable provided that the quantities assessed or calculated may be amended after taking account of: a. the completeness of the water permit and water meter data record; b. the climate record for the same period as held by the Council (note: these records will be kept by the Council and publicly available) and whether that resulted in water use restrictions or bans being imposed; c. effects of water sharing arrangements d. crop rotation/development phases 2. Previous history of exercising the previous consent. 3. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit given in Schedule 31 4. Where the take is in a Source Protection Zone, the actual or potential effects of the rate of take and volume abstracted on the quality of source water for the water supply and any measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply irrespective of any treatment including notification requirements to the Registered Drinking Water supplier 5. For applications to take water for municipal, community and papakāinga water supply; a. provisions for demand reduction and asset management over time so that water use is at reasonable and justifiable levels including whether an Infrastructure Leakage Index of 4 or better will be achieved. b. Rate and volumes of take limited to the projected demand for the urban area provided in the HPUDS 2017. c. water demand based on residential and non-residential use including for schools, rest homes, hospitals commercial and industrial demand within the planned reticulation areas 6. The location of the point(s) of take 7. The effects of any water take and use for frost fighting on the natural flow regime of the river. 8. Information to be supplied and monitoring requirements including timing and nature of water meter data reporting and the installation of telemetered recording and reporting. 9. For applications other than irrigation, municipal, community or papakāinga water supply or frost protection , evidence that the take and use of water meets an efficiency of use of at least 80% 10. Measures to achieve efficient water use or water conservation and avoid adverse water quality effects including the method of irrigation application necessary to achieve efficient use of the water and avoid adverse water effects through		

	Name	Provision as notified	Relief sought	Reasons for relief
		ponding and runoff and percolation to groundwater. 11. Management of bores and other water take infrastructure including means of backflow prevention. 12. Measures to prevent fish from entering the reticulation system. 13. The duration of the consent (Section 123 of the RMA) as provided for in Schedule 33 timing of reviews and purposes of reviews (Section 128 of the RMA). 14. Lapsing of the consent (Section 125(1) of the RMA). 15. For takes from Zone 1 in the Ngaruroro and Tūtaekurī Management Zones Contribution to services or works for the maintenance of river flows associated with groundwater abstraction and stream depletion in relation to takes subject to condition (h) provided in respect of the performance of conditions and administration charges (Section 108 of the RMA).		
73	6.10.2 Water – Take and Use TANK 11 Groundwater and Surface water take (low flow)	**Status –Discretionary Activity** The take and use of surface (low flow allocations) or groundwater. **Conditions/Standards/Terms** a) The activity does not comply with the conditions of Rules TANK 9 or TANK 10. b) Either (i) The application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually in the following Management Units; i. Ahuriri ii. Poukawa iii. Ngaruroro groundwater iv. Tūtaekurī groundwater v. Heretaunga Plains or (ii) The total amount taken, either by itself or in combination with other authorised takes in the same water management unit does not cause the total allocation limit in the relevant management unit as specified in Schedule 31 to be exceeded except this clause does not apply to takes for: i. frost protection; ii. takes of water associated with and dependant on release of water from a water storage impoundment. **Matters for Control/Discretion** Refer also to RRMP Rule 31, which is amended as part of this Plan Change and Rule TANK 18.	**That Rule TANK 11 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
74	6.10.2 Water – Take and Use TANK 12 Groundwater and Surface water take	**Status –Prohibited Activity** The take and use of surface or groundwater. **Conditions/Standards/Terms** a) The activity does not comply with the conditions of Rule TANK 11 No application may be made for this activity	**That Rule TANK 12 be amended as follows** **Status –~~Prohibited~~ Non-complying Activity** The take and use of surface or groundwater. **Conditions/Standards/Terms** a) The activity does not comply with the conditions of Rule TANK 11 ~~No application may be made for this activity~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	There may be unforeseen circumstances which mean that taking water in a manner that is not contemplated by Rule TANK 11 is necessary. In such cases, it would be prudent to include a gateway to consider such situations, rather than prematurely foreclose such possibilities. The statutory tests for non-complying activities create a high hurdle to get across, and this should be sufficient to deter mere opportunism.
75	6.10.2 Water – Take and Use TANK 13 Taking water – high flows	**Status –Discretionary Activity** The taking and use of surface water at times of high flow (including for storage in an impoundment). **Conditions/Standards/Terms** a) The activity does not comply with the conditions of RRMP 67 and 68. b) The take on its own or in combination with other authorised takes is still available for allocation within the limits specified in both columns (D) and (E) of Schedule 32 c) The activity either on its own or in combination with other activities does not cause the flow regime of the river to be altered by more than the amount specified in Schedule 32. **Matters for Control/Discretion** Note: The construction of dams greater than 4 metres in height and holding more than 20,000 m^3 will also need a Building Consent. Dams smaller than this are exempt from the Building Act provisions.	**That Rule TANK 13 be amended to provide for suitable allocation of surface water at times of high flow as a controlled activity, with a further trip to restricted discretionary activity where controlled activity standards are not complied with** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	A discretionary activity status does not enable water storage and harvesting

	Name	Provision as notified	Relief sought	Reasons for relief
76	6.10.2 Water – Take and Use TANK 14 Damming water	**Status –Discretionary Activity** Damming of surface waters and discharge from dams except as prohibited by Rule TANK 17 **Conditions/Standards/Terms** a) Except as prohibited by Rule TANK 17, the activity either on its own or in combination with other dam or discharge activities in the same water management zone does not cause the flow regime of the river to be altered by more than the amount specified in Schedule 32	**That Rule TANK 14 be amended as follows** **Status –Discretionary Activity** Damming of surface waters and discharge from dams ~~except as prohibited by Rule TANK 17~~ **Conditions/Standards/Terms** a) ~~Except as prohibited by Rule TANK 17,~~ the activity either on its own or in combination with other dam or discharge activities in the same water management zone does not cause the flow regime of the river to be altered by more than the amount specified in Schedule 32 **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	A prohibited activity is unnecessary in situations where discretionary activity status is not met for damming water. See submission point on TANK 17
77	6.10.2 Water – Take and Use TANK 15 Take and use from storage	**Status –Discretionary Activity** Take and use from a dam or water impoundment **Conditions/Standards/Terms** a) The activity does not comply with Rule TANK 7 b) The activity either on its own or in combination with other dam or discharge activities in the same water management zone does not cause the flow regime of the river to be altered by more than the amount specified in Schedule 32	**That Rule TANK 15 be amended to provide for take and use from a dam or water impoundment as a controlled activity, with a further trip to restricted discretionary activity where controlled activity standards are not complied with** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Takes from dams and impoundments should be enabled
78	6.10.2 Water – Take and Use TANK 16 Take and use from storage	**Status – Non-complying Activity** Damming, take and use at high flow or take from a dam or water impoundment **Conditions/Standards/Terms** The activity does not comply with the conditions of Rules TANK 13- 15	**That Rule TANK 16 be retained as notified, subject to our relief sought for Rules Tank 13 to Tank 15**	
79	6.10.2 Water – Take and Use TANK 17 Damming water	**Status –Prohibited Activity** Construction of dams or the damming of water **Conditions/Standards/Terms** a) The construction of dams or the damming of water on the mainstem of the following rivers (i) Ngaruroro River (ii) Taruarau River (iii) Omahaki River (iv) Tūtaekurī River:	**That Rule TANK 17 be amended as follows** **Status –~~Prohibited~~ Non-complying Activity** Construction of dams or the damming of water **Conditions/Standards/Terms** a) The construction of dams or the damming of water on the mainstem of the following rivers (i) Ngaruroro River (ii) Taruarau River	There may be unforeseen circumstances which mean that damming water in these waterways is necessary. In such cases, it would be prudent to include a gateway to consider

	Name	Provision as notified	Relief sought	Reasons for relief
		(v) Mangaone River (vi) Mangatutu River No application may be made for these activities.	(iii) Omahaki River (iv) Tūtaekurī River: (v) Mangaone River (vi) Mangatutu River ~~No application may be made for these activities.~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	such situations, rather than prematurely foreclose such possibilities. The statutory tests for non-complying activities create a high hurdle to get across, and this should be sufficient to deter mere opportunism.
80	6.10.2 Water – Take and Use TANK 18 Stream Flow Maintenance and Habitat Enhancement Scheme	**Status –Discretionary Activity** Transfer and Discharge of groundwater into surface water in the Heretaunga Plains Water Management unit (quantity) **Conditions/Standards/Terms** a) The transfer and discharge of water is managed according to the applicable requirements of Schedule 36	**That Rule TANK 18 retained as notified**	.
81	6.10.3 Stormwater TANK 19 Small scale stormwater activities	**Status – Permitted Activity** The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or existing and lawfully established: (a) residential activities; (b) non- industrial or trade premise; (c) industrial or trade premise with less than 1,000 m2 of impervious areas; (d) rural building **Conditions/Standards/Terms** a) The diversion and discharge shall not; (i) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge (ii) cause or contribute to flooding of any property (iii) cause any permanent reduction in the ability of the receiving environment to convey flood flows (iv) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances (v) contain drainage from a stockyard (vi) cause to occur or contribute to any of the following after reasonable mixing: i. production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials ii. any emission of objectionable odour iii. any conspicuous change in colour or the visual clarity of the receiving	**That Rule TANK 19 be retained as notified:**	

	Name	Provision as notified	Relief sought	Reasons for relief
		water body (including the runoff from bulk earthworks) iv. any freshwater becoming unsuitable for consumption by farm animals (vii) cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water (viii) cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent. b) The property cannot connect to a current or planned reticulated stormwater network. c) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound. d) The person who discharges or diverts, or who causes the discharge or diversion to occur, shall provide such information upon request by the Council to show how Condition (a) will be met or has been met.		
82	6.10.3 Stormwater TANK 20 Small scale stormwater activities	**Status – Restricted Discretionary Activity** The diversion and discharge of stormwater into water, or onto land where it may enter water from any new or existing and lawfully established: (a) residential activities; (b) non- industrial or trade premise; (c) industrial or trade premise with less than 1,000 m^2 of impervious areas; (d) rural building. **Conditions/Standards/Terms** a) The activity does not comply with the conditions of Rule TANK 19. **Matters for Control/Discretion** 1. Location of the point of diversion and discharge including its catchment area. 2. Volume, rate, timing and duration of the discharge, in relation to a specified design rainfall event. 3. Effects of the activity on downstream flooding. 4. Contingency measures in the event of pipe capacity exceedance. 5. Actual or likely adverse effects on fisheries, wildlife, habitat or amenity values of any surface water body. 6. Actual or likely adverse effects on the potability of any ground water. 7. The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier. 8. The actual of potential effects of the activity on the water quality objectives set out in Schedule 26. 9. Duration of the consent. 10. A compliance monitoring programme.	**That Rule TANK 20 be retained as notified**)	

	Name	Provision as notified	Relief sought	Reasons for relief
		11. Bonds or Administrative charges.		
83	6.10.3 Stormwater TANK 21 Stormwater activities	**Status – Controlled Activity** Diversion and discharge of stormwater from an existing or new local authority managed stormwater network into water, or onto land where it may enter water **Conditions/Standards/Terms:** a) The diversion and discharge shall not; (i) cause any permanent bed scouring or bank erosion of land or any water course at or beyond that point of discharge (ii) cause or contribute to flooding of any property (iii) cause any permanent reduction in the ability of the receiving environment to convey flood flows (iv) contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances (v) Contain drainage from a stockyard (vi) cause to occur or contribute to any of the following after reasonable mixing: i. production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials ii. any emission of objectionable odour iii. any conspicuous change in colour or the visual clarity of the receiving water body (including the runoff from bulk earthworks) iv. any freshwater becoming unsuitable for consumption by farm animals v. cause to occur or contribute to the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water vi. cause to occur or contribute to the discharge of microbiological contaminants including sewage, blackwater, greywater or animal effluent. b) An application for resource consent must include an Integrated Catchment Management plan that includes; (i) A monitoring programme to assess existing stormwater discharge quality and level of impact on receiving water quality standards. (ii) Identification of the spatial extent of the stormwater network to which the application for consent relates (iii) Identification of the priority streams or catchments where stormwater discharges currently result in receiving water quality below the standards specified in Schedule 26 (iv) A programme of mitigation measures including timeframes and milestones for the enhancement of streams identified in (b)(iii), (v) Identification of any industrial or trade sites, that use, store or produce the discharge of any contaminant of concern (as defined in Table 3.1 of Hawke's Bay Waterway Guidelines Industrial Stormwater Design),	**That Rule TANK 21 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		(vi) Identification of sites within catchments that have a high risk of contaminants entering the stormwater network or land where it might enter surface or groundwater, including industrial and trade premises and areas subject to new urban development. (vii) For sites identified in (b)(vi), a programme to ensure Urban Site Specific Stormwater Management Plans are prepared and implemented so that stormwater quality risks are managed. (Schedule 34) (viii) Identification of areas at risk of flooding, and where levels of service to protect communities from flooding are not being met provide information about how this will be managed. (ix) The potential effects of climate change on infrastructure capacity and a description of any planned mitigation measures including the identification of secondary flow paths and the capacity of the receiving environment. (x) Identification of measures to demonstrate how discharges shall not cause scouring or erosion of land or any water course beyond the point of discharge (xi) Where the stormwater network (or part thereof) or discharge locations are situated within a Source Protection Zone of a registered drinking water supply, a description of measures to prevent or minimise adverse effects on the quality of the source water for the registered drinking water supply or any increase in the risk of unsafe drinking water being provided to persons and communities from the drinking water supply (xii) Description of measures to demonstrate how the discharge shall not contain hazardous substances or contaminants (including wastewater) and shall not cause any of the following to occur after reasonable mixing: i. production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; ii. any emission of objectionable odour; iii. Any conspicuous change in colour or visual clarity of the receiving water; iv. any freshwater becoming unsuitable for consumption by farm animals; v. the destruction or degradation of any habitat, mahinga kai, plant or animal in any water body or coastal water. **Matters for Control/Discretion** 1. The efficacy of the Integrated Catchment Management Plan including, but not limited to: a. Its contribution to achieving water quality objectives b. its implementation programme and milestones, c. The comprehensiveness and reliability of the monitoring regime d. The use of low impact stormwater design methods 2. The actual of potential effects of the activity on the water quality objectives set out in Schedule 26 including for aquatic ecosystem health, mahinga kai, contact		

	Name	Provision as notified	Relief sought	Reasons for relief
		recreation and Māori customary use. 3. The characteristics of the proposed discharge and its effects on the receiving environment. 4. The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier. 5. Duration of the consent 6. Review of consent conditions 7. Compliance monitoring 8. Administrative charges		
84	6.10.3 Stormwater TANK 22 Stormwater activities	**Status – Restricted Discretionary Activity** Discharge of stormwater to water or onto land where it may enter water from any industrial or trade premises **Conditions/Standards/Terms** a) An application for resource consent must include an Urban Site Specific Stormwater Management Plan (Schedule 34) b) The diversion and discharge; (i) shall not cause permanent bed scouring or bank erosion of land or alter the natural course of any water body (ii) shall not cause or contribute to flooding of any property, (iii) shall not cause any permanent reduction in the ability of the receiving environment to convey flood flows (iv) shall not contain hazardous substances c) The diversion and discharge shall not cause any of the following to occur after reasonable mixing: (i) production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials (ii) any emission of objectionable odour (iii) any conspicuous change in colour or the visual clarity (iv) result in any freshwater becoming unsuitable for consumption by farm animals d) the diversion and discharge shall not cause to occur or contribute to: (i) the destruction or degradation of any habitat, mahinga kai, plan or animal in any water body or coastal water (ii) the discharge of microbiological contaminants, including sewage, blackwater, greywater or animal effluent. e) There is no reticulated stormwater network at the property boundary f) Any structure associated with the point of discharge or diversion is maintained in a condition such that it is clear of debris, does not obstruct fish passage and is structurally sound.	**That Rule TANK 22 be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		Matters for Control/Discretion 1. The efficacy of the Urban Site Specific Stormwater Management Plan (Schedule 34) including measures adopted to minimise the risk of contaminants of concern entering stormwater including: a. Installation of stormwater management devices including as detailed in table 3.1 of the Hawke's Bay Regional Council Industrial Stormwater Waterway Design Guidelines. b. Alignment with relevant industry guidelines and best practice standards. 2. Water quality standards in the discharge in relation to any contaminants being used on site and specific methods for treating these. 3. The actual or potential effects of the activity on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier 4. The characteristics of the proposed discharge and its effects on the receiving environment 5. Duration of the consent 6. Review of consent conditions 7. Compliance monitoring.		
85	6.10.3 Stormwater TANK 23 Stormwater activities	**Status –Discretionary Activity** The diversion and discharge of stormwater into water, or onto land where it may enter water. **Conditions/Standards/Terms** The activity does not comply with Rules TANK 19 to TANK 22. **Matters for Control/Discretion** The Council may at any time, by written notice to the owner or occupier (following a reasonable period of consultation), review a consent in light of new information that has become available or any change in circumstances that has occurred, and vary any condition of consent as a consequence.	**That Rule TANK 23 be retained as notified**	
86	Amendments to 6.3.1 – Bore Drilling & Bore Sealing **RRMP Rule 1 - Bore Drilling**	**Controlled Activity** The drilling, construction, and alteration of bores. **Conditions/Standards/Terms** a. The bore shall be cased and sealed to prevent aquifer cross-connection, and leakage from the ground surface into ground water. **b. <u>The bore is not located within a Source Protection Zone</u>** **<u>…</u>**	**That proposed amendments to RRMP Rule 1 - Bore Drilling, be amended as follows:** **Conditions/Standards/Terms** … b. The <u>proposed new</u> bore is not located within a Source Protection Zone <u>…</u>	The rule should only apply to proposed new bores. Existing lawfully established bores/water supplies should not be undermined by applications to protect source water.

	Name	Provision as notified	Relief sought	Reasons for relief
			Advice note: This rule does not apply to existing lawfully established bores and water supplies that are situated within an area subject to application for small scale drinking water supplies or Source Protection Zones **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
87	Amendments to 6.3.1 – Bore Drilling & Bore Sealing **RRMP Rule 2 - Bore drilling that does not comply with Rule 1**	**Restricted Discretionary Activity** The drilling, construction, or alteration of bores that does not comply with Rule 1. … **Matters for Control/Discretion** a. Bore location diameter, depth. b. Bore screen slot size, length, depth and diameter. c. Bore head completion. d. Backflow prevention. e. Information requirements, including bore logs, hydraulic head levels and aquifer tests. **f. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, the actual or potential effects of the bore and bore drilling on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier, the maintenance of the bore and the well head, including decommissioning the bore where necessary** g. Duration of consent. h. Lapsing of consent. i. Review of consent conditions. j. Compliance monitoring.	**That proposed amendments to RRMP Rule 2 - Bore drilling that does not comply with Rule 1, be amended as follows:** **Matters for Control/Discretion** … f. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, the actual or potential effects of the proposed new bore and bore drilling on the quality of source water for Registered Drinking Water Supplies and any measures to reduce the risk to the water quality including notification requirements to the Registered Drinking Water supplier, the maintenance of the bore and the well head, including decommissioning the bore where necessary. … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The rule should only apply to proposed new bores. Existing lawfully established bores/water supplies should not be undermined by applications to protect source water.
88	Amendments to 6.3.1 – Bore Drilling & Bore Sealing **RRMP Rule 4 - Decommissioning of bores**	**Permitted Activity** The decommissioning or sealing of bores. **Conditions/Standards/Terms** a. Decommissioned bores shall be backfilled and sealed at the surface to prevent contamination of groundwater. b. Decommissioned holes and bores intersecting groundwater shall be sealed to prevent the vertical movement of groundwater, and to permanently confine the groundwater to the specific zone (or zones) in which it originally occurred.	**That the proposed amendment (clause f.) to RRMP Rule 4 - Decommissioning of bores, be deleted as follows:** **…** **Conditions/Standards/Terms** … ~~f. Where the bore is in a Source Protection Zone, information to confirm compliance with conditions (a) to (d) shall be provided to the Council upon request~~	The power for Council officers to require information about compliance with any plan rule can already be sought under Council's enforcement powers set forth in Section 322(1)(b)the

	Name	Provision as notified	Relief sought	Reasons for relief
		c. Backfill materials, where used between permanent seals, shall consist of clean sand, coarse stone, clay or drill cuttings. The material shall be non toxic. d. Decommissioning shall be undertaken by a suitably qualified person. e. The Council shall be advised of any bores that are decommissioned. **f. <u>Where the bore is in a Source Protection Zone, information to confirm compliance with conditions (a) to (d) shall be provided to the Council upon request</u>**	**And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Resource Management Act 1991, and there is no need for any such duplicate requirement in the RRMP for a permitted activity.
89	Amendments to 6.3.2 – Feed lots & feedpads **RRMP Rule 5 - Feed lots & feedpads**	**Permitted Activity** The use of land for the purposes of operating a feedlot or feedpad **Conditions/Standards/Terms** a. The land used for the feedlot or feedpad shall be managed in a manner that prevents any seepage of contaminants into groundwater. b. The feedlot or feedpad shall be located no less than 20 m from any surface water body. c. The feedlot or feedpad shall be located no less than: i. 150 metres from a residential building or any other building being part of a place of assembly on another site ii. 50 metres from a property boundary, and iii. 20 metres from a public road. d. Runoff from the surrounding catchment area is prevented from entering the feedlot or feedpad. **e. <u>The feedpad or feedlot is not located in a Source Protection Zone</u>**	**That proposed amendments to RRMP Rule 5 - Feed lots & feedpads, be amended as follows:** … **Conditions/Standards/Terms** … e. ~~The~~ <u>Any new</u> ~~feedpad or~~ feedlot is not located in a Source Protection Zone **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The rule should only apply to proposed feedlots. Existing lawfully established feedlots should not be undermined by applications to protect source water. This could undermine adaptive management for the farmers concerned. Feedpads are permitted in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020
90	Amendments to 6.3.3 – Vegetation Clearance and Soil Disturbance Activities **RRMP Rule 7 - Vegetation clearance and soil disturbance**	**Permitted Activity** Vegetation clearance or soil disturbance activities **Conditions/Standards/Terms** a. All cleared vegetation, disturbed soil or debris shall be deposited or contained to reasonably prevent the transportation or deposition of disturbed matter into any water body15. b. Vegetation clearance or soil disturbance shall not give rise to any significant change in the colour or clarity of any adjacent water body, after reasonable mixing. c. No vegetation clearance shall occur within 5 metres of any permanently flowing river, or any other river with a bed width in excess of 2 metres, or any other lake or wetland, except that this condition shall not apply to:	**That proposed amendments to RRMP Rule 7 - Vegetation clearance and soil disturbance, be amended as follows:** … **Conditions/Standards/Terms** f. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no clearance of indigenous vegetation within 10m of any rivers except; … ii. where the clearance is necessary for construction of crossings or installation of a reticulated or network service<u>, or</u>	Vegetation clearance for day-to-day farm maintenance of farm access tracks (including waterway crossings), fence-lines, water supply pipelines and stock water dams, rural fire breaks, vegetation clearance separation around farm buildings, pasture maintenance and pest

	Name	Provision as notified	Relief sought	Reasons for relief
		i. the clearance of plantation forestry established prior to the date of this Plan becoming operative, or 32a ii. the areas identified in Schedule X to this Plan. d. Deposition of soil or soil particles across a property boundary shall not be objectionable or offensive, cause property damage or exceed 10 kg/m2. e. Where the clearance of vegetation or the disturbance of soil increases the risk of soil loss the land shall be: **i.** re-vegetated as soon as practicable after completion of the activity, but in any event no later than 18 months with species providing equivalent or better land stabilisation; or **ii.** retained in a manner which inhibits soil loss. **f. In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no clearance of indigenous vegetation within 10m of any rivers except;** **i. where the clearance is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Farm Environment or Catchment Collective Plan;** **ii. where the clearance is necessary for construction of crossings or installation of a reticulated or network service** **g) In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments there is no cultivation of land over 20 degrees of slope except where it is less than 10% of the paddock area.** **h) In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no cultivation of land that results in exposure of bare soil within;** **(i) 5 m of any river, modified watercourse or drain or lake or wetland where the land is flat to gently rolling (0-7 degrees of slope);** **(ii) 10 m of any river, modified watercourse or drain or lake or wetland where the land is moderately rolling (>7 – 20 degrees of slope);** **(iii) 15 m of any river, modified watercourse or drain or lake or wetland where the land is over 20 degrees of slope;** **i) Except conditions h(i) – (ii) do not apply:** **(i) where cultivation is part of improvements to riparian management for water quality/biodiversity purposes as specified in the relevant Farm Environment or Catchment Collective Plan;** **(ii) where the cultivation is in relation to activities permitted by Rule 70.**	construction of a fence for stock exclusion iii. where the clearance is necessary to maintain farm access tracks (including waterway crossings), fence-lines, water supply pipelines and stock water dams, rural fire breaks, vegetation clearance separation around farm buildings, pasture maintenance and pest plant management. ~~g) In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments there is no cultivation of land over 20 degrees of slope except where it is less than 10% of the paddock.~~ ~~h)~~ In the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, there is no cultivation of land that results in exposure of bare soil except for seed drilling within; (i) ~~5~~3m of any river, modified watercourse, ~~or drain or~~ lake or wetland where the land is flat to gently rolling (0-7 degrees of slope); (ii) ~~10m~~ 5m of any river, modified watercourse, ~~or drain or~~ lake or wetland where the land is moderately rolling (>7 – 20 degrees of slope); (iii) ~~15m~~ 10m of any river, modified watercourse, ~~or drain or~~ lake or wetland where the land is over 20 degrees of slope; i) Except conditions h(i) – (ii) do not apply: … (iii) where cultivation is undertaken by direct seed drilling **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	plant management should not be caught by this rule. Otherwise, farmers will be subject to onerous delays and costs for resource consent for little or no environmental benefit. Land disturbance (including Cultivation) is managed under Resource Management (National Environmental Standards for Freshwater) Regulations 2020 Direct seed drilling should be exempt from no-cultivation restrictions.
91	Amendments to 6.4.2 – Agricultural Activities & Other Activities on Production Land -	**Permitted Activity** The discharge of contaminants into air, or onto or into land arising from the storage, transfer, treatment, mixing or use of stock feed on production land, including silage. **Conditions/Standards/Terms**	**That proposed amendment (new Clause h.) to RRMP Rule 12 – Stock feed, be deleted as follows:** … **Conditions/Standards/Terms** …	The power for Council officers to require information about compliance with any plan rule can already

	Name	Provision as notified	Relief sought	Reasons for relief
	Discharges to Air/Land/Water **RRMP Rule 12 – Stock feed**	a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing stock feed, including silage, and when there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents such contamination. b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner. d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. e. There shall be no discharge within 20 m of any surface water body. f. There shall be no surface ponding in any area used to store stock feed or feed stock, and no runoff of contaminants into any surface water body. g. There shall be no discharge within 30 m of any bore or well. **h. Where the activity is in a Source Protection Zone, information to confirm compliance with conditions (a) to (g) shall be provided to the Council upon request.**	~~h. Where the activity is in a Source Protection Zone, information to confirm compliance with conditions (a) to (g) shall be provided to the Council upon request.~~ **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	be sought under Council's enforcement powers set forth in Section 322(1)(b)the Resource Management Act 1991, and there is no need for any such duplicate requirement in the RRMP for a permitted activity.
92	Amendments to 6.4.2 – Agricultural Activities & Other Activities on Production Land - Discharges to Air/Land/Water **RRMP Rule 13 – Use of compost, biosolids & other soil conditioners**	**Permitted Activity** The discharge of contaminants into air, or onto or into land, arising from the storage, transfer, treatment, mixing or use of compost, biosolids and other (solid or liquid) organic material for soil conditioning purposes19 including: • paunch grass • apex meal • stockyard scrapings • grape marc • compost (except as regulated by Rule 28) and • poultry manure (except as regulated by Rule 11 or 14). **Conditions/Standards/Terms** a. Any area in the Heretaunga Plains unconfined aquifer (Schedule Va) or the Ruataniwha Plains unconfined aquifer (Schedule IV) which is used for storing organic material and when there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents such contamination. b. Any discharges to air shall not cause any offensive or objectionable odour, or noxious or dangerous levels of gases, beyond the boundary of the subject property. c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the	**That proposed amendments to RRMP Rule 13 – Use of compost, biosolids & other soil conditioners, be retained as notified**	

	Name	Provision as notified	Relief sought	Reasons for relief
		affected property owner. d. The discharge shall not result in any airborne liquid contaminant being carried beyond the boundary of the subject property. e. There shall be no surface ponding in the area used to store, mix or use the organic material, and no runoff of contaminants into any surface water body. f. There shall be no discharge within 30 m of any bore or well. g. The discharge shall occur no less than 600 mm above the winter ground water table. h. Where material is discharged onto grazed pasture, the application rate shall not exceed 150 kg/ha/y of nitrogen. i. Where material is discharged onto land used for a crop, the application rate shall not exceed the rate of nitrogen uptake by the crop. **j. <u>Where the activity is in a Source Protection Zone, the storage or processing of compost or bio-solids and other soil conditions does not exceed 100 cubic metres of material.</u>**		
93	Amendments to 6.4.2 – Agricultural Activities & Other Activities on Production Land - Discharges to Air/Land/Water **RRMP Rule 14 – Animal effluent**	**Controlled Activity** The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent, including dairy shed effluent, piggery effluent, and poultry farm effluent, including associated sludges (except as provided for by Rules 13 & 15). **Conditions/Standards/Terms** a. Any area used for storing animal effluent, where there is a potential for contamination of groundwater by seepage of contaminants, shall be managed in a manner that prevents any such contamination. b. Either: i. there shall not be offensive or objectionable odour, or noxious or dangerous levels of gases or other airborne liquid contaminants, beyond the boundary of the subject property, or ii. for discharges of effluent from piggeries, every point of discharge shall be sited so as to meet the requirements of the "Code of Practice - Pig Farming" (New Zealand Pork Industry Board, 1997), in respect of buffer zone distances. c. There shall be no visible discharge of any material, including dust, beyond the boundary of the subject property, unless written approval is obtained from the affected property owner. d. There shall be no runoff of any contaminant into any surface water body. e. There shall be no discharge within 30 m of any bore or well. f. Where effluent is discharged onto grazed pasture, the nitrogen loading rate from the effluent application shall not exceed 150 kg/ha/y of nitrogen. g. Where effluent is discharged onto land covered by a crop, or to be used for cropping purposes, the application rate shall not exceed the rate of nitrogen uptake by the crop.	**That proposed amendments to RRMP Rule 14 – Animal effluent, be amended as follows:** … **Conditions/Standards/Terms** … h. ~~The activity~~ <u>The discharge of contaminants into air, or onto or into production land, which is associated with any new conversion to a new type of farming, that is arising from the management of liquid animal effluent, including dairy shed effluent, piggery effluent, and poultry farm effluent, including associated sludges (except as provided for by Rules 13 & 15)</u> is not in a Source Protection Zone **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Existing pastoral farms that discharge contaminants into air, or onto or into production land, arising from the management of liquid animal effluent, including dairy shed effluent, piggery effluent, and poultry farm effluent, including associated sludges, should not be disadvantaged because of a decision to require a Source Protection Zone. This would undermine the intent of adaptive management.

	Name	Provision as notified	Relief sought	Reasons for relief
		h. The activity is not in a Source Protection Zone …		
94	Amendments to 6.4.2 – Agricultural Activities & Other Activities on Production Land - Discharges to Air/Land/Water **RRMP Rule 15 – Discharge of animal effluent in sensitive catchments**	**Discretionary Activity** The discharge of contaminants into air, or onto or into production land, arising from the management of liquid animal effluent, including dairy shed effluent, piggery effluent, and poultry farm effluent in the following catchments as shown in Schedule VIb: • Headwaters of Mohaka River • Headwaters of the Ngaruroro River • Maungawhio • Lake Hatuma • Lake Tutira • Heretaunga Plains unconfined aquifer • Ruataniwha Plains unconfined aquifer • Lake Whakaki • Headwaters of the Tutaekuri River • Headwater of the Tukituki River. **Or in any Source Protection Zone**	**That proposed amendments to RRMP Rule 15 – Discharge of animal effluent in sensitive catchments, be amended as follows:** … Or any discharge of animal effluent resulting from any new conversion of farm to a different type of farming in any Source Protection Zone **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Existing pastoral farms that discharge contaminants into air, or onto or into production land, arising from the management of liquid animal effluent, including dairy shed effluent, piggery effluent, and poultry farm effluent, including associated sludges, should not be further disadvantaged because of a decision to require a Source Protection Zone
95	Amendments to 6.5.1 – Water - Discharges to Water **RRMP Rule 31 – Discharge of water**	**Permitted Activity** The discharge of water (excluding drainage water) into water. **Conditions/Standards/Terms** a. The discharge shall not cause or contribute to the flooding of any property, unless written approval is obtained from the affected property owner. b. The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge. c. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°C from normal seasonal water temperature fluctuations, after reasonable mixing. **d. The discharge is not a discharge of groundwater into surface water in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments.**	**That proposed amendments to RRMP Rule 31 – Discharge of water, be amended as follows:** **Conditions/Standards/Terms** … d. The discharge is not a discharge of groundwater into surface water in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments except where discharge of such water into surface water is necessary due to structural failure of water retention vessels, drains, stop-banks, weirs, floodgates or dams deliberately sabotaged or damaged in emergencies such as fires, floods or earthquakes. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	It may not be practical to prevent all water from being drained into surface water bodies in the TANK catchment. Practical exceptions need to be made for discharges that are necessary due to emergency events or infrastructure failure or damage.

	Name	Provision as notified	Relief sought	Reasons for relief
96	Amendments to 6.6.2 – Drainage Water - Discharges to Land/Water **RRMP Rule 32 – Discharge of drainage water (gravity flow systems)**	**Permitted Activity** The diversion and discharge of drainage water into water or onto or into land, from a gravity flow system (without pumping). **Conditions/Standards/Terms** a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of any discharge from the drainage activity. b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. c. The activity shall not adversely affect any wetland. d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3oC from normal seasonal water temperature fluctuations, after reasonable mixing. e. Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. **f.** Any suspended solids in the discharge shall comply with Policy 72 **except in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.** **g. After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, dissolved nutrient and sediment concentrations in the receiving water after reasonable mixing shall not increase as a result of the discharge when measuring:** **i DIN** **ii DRP** **iii suspended sediment.**	**That proposed amendments to RRMP Rule 32 – Discharge of drainage water (gravity flow systems), be amended as follows:** … **Conditions/Standards/Terms** … f. Any suspended solids in the discharge shall comply with Policy 72, except in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments where Clause g) (below) applies. g. After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, dissolved nutrient and sediment concentrations in the receiving water after reasonable mixing shall not increase, compared to in-stream concentrations immediately upstream and outside the area of reasonable mixing, as a result of the discharge when measuring: i DIN ii DRP iii suspended sediment. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The relationship between Condition f and Condition g of this policy is confusing as notified. The specification for measuring in-stream concentration in Condition g needs to be clarified so it relates to in-stream concentration upstream of the zone of reasonable mixing when discharges are being assessed. Individual farmers should not be punished for increases in in-stream concentrations of nutrients that have been caused by other discharges.
97	Amendments to 6.6.2 – Drainage Water - Discharges to Land/Water **New RRMP Rule 33A – Drainage water**	**Permitted Activity** The diversion and discharge of land drainage water from an existing pumped drainage system (small scale) **Conditions/Standards/Terms** a) the discharge is in a Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments b) The pumped drainage system existed at 2 May 2020 c) The land area being serviced by the drainage network is less than 10ha d) There shall be no increase in flooding on any property owned or occupied by another person, as a result of any discharge from the drainage activity. e) The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge. f) The activity shall not result in changes to water levels in any connected wetland g) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3ºCelcius from normal seasonal water temperature fluctuations, after reasonable mixing.	**That proposed new RRMP Rule 33A – Drainage water), be amended as follows:** **Permitted Activity** The diversion and discharge of land drainage water from an existing pumped drainage system (small scale) **Conditions/Standards/Terms** a) the discharge is in a Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments b) The pumped drainage system existed at 2 May 2020 c) The land area being serviced by the drainage network is less than 10ha (See note below). d) There shall be no increase in flooding on any	It may not be practical to prevent all water from being drained into surface water bodies in the TANK catchment. Practical exceptions need to be made for discharges that are necessary due to emergency events or infrastructure failure or damage The specification for measuring in-stream concentration in

	Name	Provision as notified	Relief sought	Reasons for relief
		h) Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. i) After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, dissolved nutrient and sediment concentrations in the receiving water after reasonable mixing shall not increase as a result of the discharge when measuring: i DIN ii DRP iii suspended sediment	property owned or occupied by another person, as a result of any discharge from the drainage activity. e) The discharge shall not cause any scouring or erosion of any land or any watercourse beyond the point of discharge. f) The activity shall not result in changes to water levels in any connected wetland g) The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3°Celcius from normal seasonal water temperature fluctuations, after reasonable mixing. h) Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. i) After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments, dissolved nutrient and sediment concentrations in the receiving water after reasonable mixing shall not increase, compared to in-stream concentrations immediately upstream and outside the area of reasonable mixing, as a result of the discharge when measuring: i DIN ii DRP iii suspended sediment j) The above conditions shall not apply in any event where discharge is caused by structural failure of water retention vessels, drains, stop-banks, weirs, floodgates or dams occurs as a result of deliberate sabotage or damage in emergencies such as fires, floods or earthquakes. Note: Where there are multiple land drainage networks per farm property, each drainage network must comply with Condition c) above **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Condition g needs to be clarified so it relates to in-stream concentration upstream of the zone of reasonable mixing when discharges are being assessed. Individual farmers should not be punished for increases in in-stream concentrations of nutrients that have been caused by other discharges.

	Name	Provision as notified	Relief sought	Reasons for relief
98	Amendments to 6.6.2 – Drainage Water - Discharges to Land/Water **RRMP Rule 33 – Discharge of drainage water (pumped systems)**	**Controlled Activity** The diversion and discharge of drainage water into water or onto or into land, from a pumped system **Conditions/Standards/Terms** a. There shall be no adverse flooding effects on any property owned or occupied by another person, as a result of the drainage activity. b. The discharge shall not cause any scouring or erosion of any land or any water course beyond the point of discharge. c. The activity shall not adversely affect any wetland. d. The discharge shall not cause the natural temperature of any receiving water to be changed by more than 3^0C from normal seasonal water temperature fluctuations, after reasonable mixing. e. Any discharge of water arising from a drainage system shall be to the same catchment as that to which the water would naturally flow. **f.** Any suspended solids in the discharge shall comply with Policy 72 **except in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū water quality management units** **g. After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū water quality management units, dissolved nutrient and sediment concentrations in the discharge water are no more than in the receiving water at the point of discharge as measured by:** **i DIN** **ii DRP** **iii suspended sediment.** **Matters for Control/Discretion** a. Location of discharge. b. Rate of pumping. c. Time of pumping. d. Flood mitigation measures. e. Duration of consent. f. Review of consent conditions. g. Compliance monitoring. **h. For activities carried out in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments:** **i. measures or methods required for meeting the receiving water quality standards.** **ii. Monitoring for water quality** …	**That proposed amendments to RRMP Rule 33 – Discharge of drainage water (pumped systems), be amended as follows:** **Conditions/Standards/Terms** … f. Any suspended solids in the discharge shall comply with Policy 72 except in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū water quality management units, where Condition g (below applies). g. After ten years after 2 May 2020 in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū water quality management units, dissolved nutrient and sediment concentrations in the discharge water ~~are no more than in the receiving water at the point of discharge as measured by~~ shall not increase, compared to in-stream concentrations immediately upstream and outside the area of reasonable mixing, as a result of the discharge when measuring: i DIN ii DRP iii suspended sediment. **Matters for Control/Discretion** … h. For activities carried out in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments: i. measures or methods required for meeting the receiving water quality standards. ii. Monitoring for water quality iii. Whether such diversion and discharge from a pumped system is replacing an existing discharge of the same or worse water quality characteristics … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Condition g needs to be clarified so it relates to in-stream concentration upstream of the zone of reasonable mixing when discharges are being assessed. Individual farmers should not be punished for increases in in-stream concentrations of nutrients that have been caused by other discharges.
99	Amendments to 6.6.4 – Domestic	**Permitted Activity** Except as provided for in Rule 35 or Rule 36, the discharge of contaminants (including greywater) onto or into land, and any ancillary discharge of contaminants into air,	**That proposed amendments to 37 – New sewage systems, be amended as follows:**	Replacement sewage treatment systems should be permitted

	Name	Provision as notified	Relief sought	Reasons for relief
	Sewage – Discharges to Land **RRMP Rule 37 – New sewage systems**	from a new sewage system. **Conditions/Standards/Terms** a. Where the wastewater receives no more than advanced primary treatment, the discharge shall be onto or into a property with a land area of no less than 2500m^2. aA. Where the wastewater receives more than advanced primary treatment then: i. the discharge shall be onto or into a property with a land area of no less than 1000m^2; and ii. the net site area to discharge volume ratio shall not be less than 1.5 m^2 per litre per day 39. b. The rate of discharge of sewage (including greywater) shall not exceed 2 m^3/d, averaged over any 7 day period. c. The treatment and disposal system shall be designed to cater for the peak daily loading. d. The discharge shall not occur over the Heretaunga Plains or Ruataniwha Plains unconfined aquifer as shown in Schedule IV. e. The discharge and land treatment field shall not be within 20 m of any surface water body (including any stormwater open drain or roadside drain), or any tile drain or within 1.5 metres of any property boundary. eA. The system shall be designed and installed in accordance with the requirements specified in Figure 6. f. There shall be no surface ponding as a result of the discharge, or direct discharge into any water body. g. The discharge shall be distributed evenly over the entire disposal area. h. There shall be no increase in the concentration of pathogenic organisms in any surface water body as a result of the discharge i. At the time of installation and commencement, the discharge shall not occur within 30 m of any bore drawing groundwater from an unconfined aquifer into which any contaminant may enter as a result of the discharge. j. The point of discharge shall be no less than 600 mm above the highest seasonal groundwater table. k. The discharge shall not result in, or contribute to, a breach of the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 2005 (Revised 2008)) in any groundwater body after reasonable mixing. l. The discharge shall not cause any emission of offensive or objectionable odour, or release of noxious or dangerous gases (including aerosols) beyond the boundary of the subject property or on any public land. m. For discharges using pit privies: i. the privy shall be constructed in soil with an infiltration rate not exceeding 150 mm/h, and ii. the privy shall not be the primary wastewater system for any permanently occupied dwelling. n. The system shall be designed, constructed, operated and maintained in a manner	**…** **Conditions/Standards/Terms** … s. The activity is not located in a Source Protection Zone, unless it is for a sewage system that is replacing an existing system with the same (or worse) sewage treatment and disposal characteristics (in which case such replacement sewage treatment system shall be permitted) **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	

	Name	Provision as notified	Relief sought	Reasons for relief
		which ensures that there is no clogging of the disposal system or soils. nA. The discharge shall not be into a trench or bed disposal system constructed in category 5 or 640 soil except where wastewater receives at least secondary treatment. o. Where the wastewater receives secondary treatment or better, the discharge shall not exceed 20 g/m3 of BOD, and 30 g/m3 of suspended solids. p. The wastewater treatment and land application system shall be maintained in accordance with the manufacturer's instructions, or if no manufacturer's instructions exist, in accordance with the best management practice as described in AS/NZS 1547, or TP58: On-site Wastewater Systems: Design and Management Manual (Auckland Regional Council Technical Publication No. 58), or other alternative recognised on-site wastewater design manuals. A schedule of maintenance shall be kept, and this schedule shall be available for inspection by the Regional Council upon request. q. The discharge shall not be disposed of by way of spray irrigation. r. The discharge shall not be into a raised bed. **s. <u>The activity is not located in a Source Protection Zone</u>**		
100	Amendments to 6.6.5 – Stormwater - Discharges to Land/Water	**<u>Insert</u>** after the heading**;** **<u>Rules 42 – 46 do not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River Catchments. Refer to Section 6.10 for the new Tūtaekurī, Ahuriri, Ngaruroro and Karamū rules for stormwater.</u>**	**That proposed amendments to 6.6.5 – Stormwater - Discharges to Land/Water, be retained as notified.**	
101	Amendments to 6.7.1 – Take & Use of Water	**<u>Insert</u>** after the heading**;** **<u>Rules 53 – 55 do not apply in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments Refer to Section 6.10 for the new Tūtaekurī, Ahuriri, Ngaruroro and Karamū rules for take and use of water.</u>**	**That proposed amendments to 6.7.1 – Take & Use of Water, retained as notified.**	
102	Amendments to 6.7.3 – Transfer of Water Permits **RRMP Rule 61 – Transfer of permits to take & use surface water from a river**	**Controlled Activity** The transfer of a permit to take and use surface water from a river, to another site. **Conditions/Standards/Terms** a. The transfer is to another site within the same stream management zone,41 where the flow is not significantly less than at the original site of abstraction. b. The transfer shall not result in any reduction in the rate of surface water recharge into groundwater. c. The transfer shall not adversely affect any lawfully established surface water abstraction, which existed prior to transfer of the take. d. The transfer shall not result in any increase in adverse effects on aquatic ecosystems or fish passage. **e. <u>The transfer is not in any Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment</u>**	**That proposed amendments to RRMP Rule 61 – Transfer of permits to take & use surface water from a river, be amended as follows:** **Conditions/Standards/Terms** … e. The transfer is not in any Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment <u>except that transfers of unused water allocated in water permits shall be allowed between irrigation users within the same Catchment.</u>	Transfers between irrigation users who are within the same Catchment should be allowed in recognition of individual and collective efforts to manage water use, make savings at times, and require more water at other times.

	Name	Provision as notified	Relief sought	Reasons for relief
		…	**And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
103	Amendments to 6.7.3 – Transfer of Water Permits **RRMP Rule 62 – Transfer of permits to take & use ground-water**	**Controlled Activity** The transfer of a permit to take and use groundwater, to another site. **Conditions/Standards/Terms** a. The transfer is to another site within the same aquifer. b. The transfer is to a location at which the aquifer has the same or greater aquifer transmission and storage characteristics. c. The transfer shall not adversely affect any lawfully established efficient groundwater abstraction,42 which existed prior to transfer of the take. d. The transfer shall not cause any reduction in the flow of any river or spring. **e. <u>The transfer is not in any Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment</u>** …	**That proposed amendments to RRMP Rule 62 – Transfer of permits to take & use ground-water, be amended as follows:** **Conditions/Standards/Terms** … e. The transfer is not in any Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment <u>except that transfers of unused water allocated in water permits shall be allowed between irrigation users within the same Catchment.</u> … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Transfers between irrigation users who are within the same Catchment should be allowed in recognition of individual and collective efforts to manage water use, make savings at times, and require more water at other times.
104	Amendments to 6.7.3 – Transfer of Water Permits <u>**New RRMP Rule 62a – Transfer of permits to take and use water**</u>	<u>**Controlled Activity**</u> <u>Permanent or temporary transfer of water in accordance with S136(2)(b)(i) of the RMA</u> <u>**Conditions/Standards/Terms**</u> <u>a. The transfer is not part of stream flow maintenance provided by Rule TANK18</u> <u>b. The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater:</u> <u>i. To any person or occupier of the site in respect of which the permit is granted, or</u> <u>ii. To another person on another site iii. To another site</u> <u>c. The transfer is not between ground and surface water point of take.</u> <u>d. The permit is:</u> <u>i) within the same catchment to any point downstream (excluding downstream tributaries) of the location to which the permit applies;</u> <u>ii) for groundwater takes in the Heretaunga Plains Water Management Unit (Quantity). the transfer is to any point downstream of any affected stream; and</u> <u>iii) the transfer is within the same Freshwater Management Unit (Quantity)</u> <u>e. The transfer of a groundwater take is to an existing bore for which pump tests are available and there is no change to the nature and scale of drawdown effects on neighbouring bores or connected waterbodies as a result of the transfer</u> <u>f. The transfer does not result in an increase in nitrogen loss as specified in Table 2 in Schedule 29</u>	**That proposed new RRMP Rule 62a – Transfer of permits to take and use water, be amended as follows:** **…** **Conditions/Standards/Terms** … b. The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater: i. To any person or occupier of the site in respect of which the permit is granted, or ii. <u>To another person on another site</u> <u>iii. To another site</u> c. The transfer is not between ground and surface water point of take <u>except where groundwater take is affected by circumstances outside the water permit holder's control such as structural or power failure, and/or damage of pumping or storage equipment that prevents ability to abstract or use groundwater</u>. … g. All parties to the transfer shall have metering and reporting at any applicable recording and reporting level except for temporary transfers of less than ~~five days~~ <u>one calendar month</u> per annum.	The amendments to Conditions b) ii. and b) iii. would correct a formatting error. Regarding Condition (c), farmers may need to transfer the point of takes in situations where structural or power failure, and/or damage of pumping or storage equipment prevents ability to abstract or use groundwater. Disruptions could occur because of power, equipment or infrastructure failure or damage, caused by natural hazard events or emergency

	Name	Provision as notified	Relief sought	Reasons for relief
		g. All parties to the transfer shall have metering and reporting at any applicable recording and reporting level except for temporary transfers of less than five days per annum. h. In fully or over-allocated management units, the transfer shall only be of that part of the permit for which there is actual and reasonable use* i. The purpose for the water use does not change except: i. that water takes for irrigation use may be transferred for irrigation of different crops subject to conditions (e) and (f) ii. for transfers that enable the operation of a flow enhancement scheme (ref Policy 38) iii. the transfer enables efficient delivery of water supply to meet the communities' human health needs. **Advisory Notes** • Pursuant to s136(3) of the RMA, the transfer has no effect until written notice of the transfer is received by Hawkes Bay Regional Council. The HBRC will accept transfers via any website being managed for this purpose as satisfying this requirement • Section 136(5) of the RMA provides that when notification of the transfer has occurred, the permit, or that part of the permit transferred shall be deemed to be cancelled, and the permit or part transferred shall be deemed to be a new permit subject to the same conditions as the original permit. Note that Rule TANK 5 or 6 may be triggered as a result of a transfer activity **Matters for Control/Discretion** a. Any applicable conditions on the permit being transferred and any water use permit at the location the water is to be transferred to. b. The quantity, rate and timing of the take, including rates of take and any other requirements in relation to any relevant minimum flow or level or allocation limit or drawdown effects, including in relation to any Source Protection Zone for a registered drinking water supply. c. Compliance with any applicable minimum flows and levels including flow maintenance in any applicable stream	h. In fully or over-allocated management units, the transfer shall only be of that part of the permit for which there is actual and reasonable use* except that transfers of unused water allocated in water permits shall be allowed between irrigation users within the same Catchment. i. The purpose for the water use does not change except: i. that water takes for irrigation use may be transferred for irrigation of different crops subject to conditions (e), ~~and~~ (f) and (h). … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	incidents, or acts of sabotage. Regarding Condition g), 5 days per annum is inadequate for temporary transfers for farmers. Drought may require longer than this Regarding Condition (h), transfers between irrigation users who are within the same Catchment should be allowed in recognition of individual and collective efforts to manage water use, make savings at times, and require more water at other times. The change to Condition (i) i is consequential to our relief sought for Condition (h).
105	Amendments to 6.7.3 – Transfer of Water Permits **New RRMP Rule 62b – Permanent or temporary transfer of water**	**Discretionary Activity** Permanent or temporary transfer of water in accordance with S136(2)(b)(i) of the RMA **Conditions/Standards/Terms** a. The transfer is the whole or any part of the holder's interest in the permit for taking and use of surface or groundwater that does not comply with Rule 62a	**That proposed new RRMP Rule 62b – Permanent or temporary transfer of water, be amended as follows:** **Discretionary Activity** Permanent or temporary transfer of water in accordance with S136(2)(b)(i) of the RMA that does not comply with Rule 62a.	The relief sought here is consequential to our relief sought for Rule 62a.

	Name	Provision as notified	Relief sought	Reasons for relief
			… **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
106	Amendments to 6.8.2 – Erection & Placement of Dams & Other Barrier Structures, & Damming of Water	**Insert** after the heading; **Rule 69 does not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments. Refer to Section 6.10 for the new Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchment rules for dams and damming.**	**That proposed amendments to 6.8.2 – Erection & Placement of Dams & Other Barrier Structures, & Damming of Water, be retained as notified.**	
107	Amendments to 6.8.2 – Erection & Placement of Dams & Other Barrier Structures, & Damming of Water **RRMP Rule 67 – Dams, weirs & other barrier structures in rivers, lakes and artificial water – course**	**Permitted Activity** The erection or placement of any dam, weir or other barrier structure in, on, under, or over the bed of a river, lake and artificial watercourse, and: • any associated damming or diversion of water, and • any associated discharge of sediment; and • any associated disturbance of the river or lake bed. **This permitted activity does not apply to the erection of dams on the mainstem of any river where it is prohibited by Rule TANK 17** **…**	**That proposed amendments to RRMP Rule 67 – Dams, weirs & other barrier structures in rivers, lakes and artificial water – course, be amended as follows:** **Permitted Activity** The erection or placement of any dam, weir or other barrier structure in, on, under, or over the bed of a river, lake and artificial watercourse, and: • any associated damming or diversion of water, and • any associated discharge of sediment; and • any associated disturbance of the river or lake bed. This permitted activity does not apply to the erection of dams on the mainstem of any river managed under Rule 6.10 ~~where it is prohibited by Rule TANK 17~~ … **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	It is inappropriate to prohibit damming in the TANK catchment river mainstems. A resource consent framework should be able to appropriately address relevant issues. Prohibited activity status would prematurely foreclose the possibility of considering dams in mainstem areas which might be necessary for long term security of supply of water in the foreseeable future.
108	Amendments to 6.8.2 – Erection & Placement of Dams & Other Barrier Structures, & Damming of Water **RRMP Rule 69 – River & lake bed activities that are**	**Discretionary Activity** Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan. **This rule does not apply to rivers in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments (refer Rules TANK 13 – 17)**	**That proposed amendments to w RRMP Rule 69 – River & lake bed activities that are not expressly regulated by other rules, be amended as follows:** **Discretionary Activity** Any activity which cannot comply with any of the rules in section 6.8 of this Plan and which is not expressly regulated by other rules in this Plan.	It is inappropriate to prohibit damming in the TANK catchment river mainstems. A resource consent framework should be able to appropriately address relevant issues. Prohibited

	Name	Provision as notified	Relief sought	Reasons for relief
	not expressly regulated by other rules		This rule does not apply to rivers in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments (refer Rules TANK 13 – ~~17~~16) **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	activity status proposed on Rule TANK 17 would prematurely foreclose the possibility of considering dams in mainstem areas which might be necessary for long term security of supply of water in the foreseeable future.
109	Amendments to 6.8.3 – River Control & Drainage Works & Structures **RRMP Rule 71 – Activities affecting river control & drainage schemes**	**Discretionary Activity** Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974: • The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed **except for riparian vegetation established to provide shade in the Karamū catchments.** …	**That proposed amendments to RRMP Rule 71 – Activities affecting river control & drainage schemes, be retained as notified.**	
110	**Schedule 26**	**Water Quality Objective/Target for Water Clarity** Water clarity for Lower Ngaruroro and Lower Tūtaekurī Rivers: ≥ 3.75m Water clarity for Ngaruroro and Tūtaekurī tributaries: ≥ 3.75m	**That the following amendments be made to Schedule 26:** **Water Quality Objective/Target** Water clarity for Lower Ngaruroro and Lower Tūtaekurī Rivers except for Ngaruroro River at Fernhill: ≥ 3.75m Water clarity for Ngaruroro and Tūtaekurī tributaries, except for Tutaekuri Waimate Stream at Chesterhope, Mangatutu Stream at Mangatutu Stream Bridge, Mangaone River at Rissington: ≥ 3.75m Water clarity for Ngaruroro River at Fernhill, Tutaekuri Waimate Stream at Chesterhope, Mangatutu Stream at Mangatutu Stream Bridge, Mangaone River at Rissington: Current State or ≥ 1.6m, whichever is the lesser.	The NPSFM 2020 requires 80% of rivers and lakes suitable for Primary Contact by 2030 and 90% by no later than 2040. ANZECC (2000) defines minimum water clarity of 1.6m for contact recreation waters. HBRC State and Trend information (2020) shows that Ngaruroro River at Fernhill, Tutaekuri Waimate Stream at Chesterhope, Mangatutu Stream at Mangatutu Stream

	Name	Provision as notified	Relief sought	Reasons for relief
			And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.	Bridge, Mangaone River at Rissington are currently well below 3.75m water clarity. The 3.75m target is targeted at Trout Fishery values. However, not enough is understood about the reasons for the current state of water clarity in the Lower Ngaruroro and Lower Tūtaekurī Rivers and their tributaries to be able to realistically target 3.75m. This target is highly aspirational and unlikely to be realistically achievable.
111	**Schedule 26**	**Water Quality Objective/Target for Deposited Sediment** Deposited Sediment for Upper Ngaruroro and Upper Tūtaekurī Rivers: < 20% / < 15% (May-Oct) Deposited Sediment for Lower Ngaruroro and Lower Tūtaekurī Rivers: < 20 % Deposited Sediment for Ngaruroro and Tūtaekurī Tributaries: < 20 % Deposited Sediment for Lowland tributaries: < 20 %	**That Water quality Objective/Target for deposited sediment be deleted or aligned with National Bands in the NPS FM 2020.**	Water quality Objective/Target for deposited sediment should be aligned with National Bands in the NPS FM 2020.
112	**Schedule 26**	**Water Quality Objective/Target for Periphyton cover** Periphyton cover (seasonal max, %PeriWCC) for Upper Ngaruroro and Upper Tūtaekurī Rivers: ≤ 20 % Periphyton cover (seasonal max, %PeriWCC) for Lower Ngaruroro and Lower Tūtaekurī Rivers: ≤ 30 % Periphyton cover (seasonal max, %PeriWCC) for Ngaruroro and Tūtaekurī Tributaries:	**That Water Quality Objective/Target for Periphyton cover be amended as follows:** … Periphyton cover (seasonal max, %PeriWCC) for Ngaruroro and Tūtaekurī Tributaries <u>except for Maraekakaho Stream</u>: ≤ 30 % <u>Periphyton cover (seasonal max, %PeriWCC) for Maraekakaho Stream: > 40% and ≤ 80 %</u>	The NPSFM 2020 requires 80% of rivers and lakes suitable for Primary Contact by 2030 and 90% by no later than 2040. Planktonic attribute states (including periphyton) apply to

	Name	Provision as notified	Relief sought	Reasons for relief
		≤ 30 %	… **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	lakes and river-fed lakes. The NPS 2020 requires water quality attributes to be maintained or enhanced, and only requires water quality to be lifted out of the NOF 'D' band. HBRC State and Trend information (2020) puts the Maraekakaho River in the NOF 'B' band. Requiring it to shift into the 'A' band by 2040 is unlikely to realistically achievable. But maintaining it in the 'B' band is realistic. (Whereas for the other Ngaruroro and Tūtaekurī Tributaries that HBRC monitors, periphyton cover already appears to be in the 'A' band, and are mostly ≤ 30 %.)
113	**Schedule 26**	**Water Quality Objective/Target for DIN (mg/L)** DIN (mg/L) for Upper Ngaruroro and Upper Tūtaekurī Rivers: < 0.05 mg/L DIN (mg/L) for Lower Ngaruroro and Lower Tūtaekurī Rivers: < 0.15 mg/L DIN (mg/L) for Ngaruroro and Tūtaekurī Tributaries: < 0.3 mg/L DIN (mg/L) for Lowland tributaries < 0.444 mg/L	**That Water Quality Objective/Target for DIN be amended as follows:** … DIN (mg/L) for Lower Ngaruroro and Lower Tūtaekurī Rivers <u>except for Tūtaekurī River U/S Mangaone River and Tūtaekurī River at Brookfields Bridge</u>: < 0.15 mg/L <u>DIN (mg/L) for Tūtaekurī River U/S Mangaone River and Tūtaekurī River at Brookfields Bridge: < 0.25 mg/L</u> …	The NPSFM 2020 requires water quality attributes to be maintained or enhanced, and only requires water quality to be lifted out of the NOF 'D' band. HBRC State and Trend information (2020) indicates that the Ngaruroro River

	Name	Provision as notified	Relief sought	Reasons for relief
			DIN (mg/L) for Ngaruroro and Tūtaekurī Tributaries except Poporangi Stream, Ohiwia Stream, Mangatutu Stream and Mangaone River at Rissington: < 0.3 mg/L DIN (mg/L) for Poporangi Stream, Ohiwia Stream, Mangatutu Stream and Mangaone River at Rissington: < 0.5 mg/L .. DIN (mg/L) for Lowland tributaries < 0.75mg/L **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Tūtaekurī River and their estuaries are all within the NOF 'A' Band for the DIN attribute, but that the targets for some monitoring sites in the TANK Plan as notified are too ambitious in the short-to-medium term. The targets in Schedule 26 should be adjusted to reflect current state and trend information as a starting point for managing water quality for DIN. Otherwise the plan risks focussing too much on striving to achieve unrealistic objectives in some places when management resources could be focused on higher priorities.
114	**Schedule 26**	**Water Quality Objective/Target for DRP (mg/L)** DRP (mg/L) for Upper Ngaruroro and Upper Tūtaekurī Rivers: < 0.003 mg/L DRP (mg/L) for Lower Ngaruroro and Lower Tūtaekurī Rivers: < 0.015 mg/L DRP (mg/L) for Ngaruroro and Tūtaekurī Tributaries: < 0.015 mg/L DRP (mg/L) for Lowland tributaries: < 0.015 mg/L	**That Water Quality Objective/Target for DIN be amended as follows:** … DRP (mg/L) for Lower Ngaruroro and Lower Tūtaekurī Rivers except Ngaruroro at Chesterhope, Tūtaekurī US Mangaone and Tūtaekurī at Brookfields Bridge : < 0.015 mg/L DRP (mg/L) for Ngaruroro at Chesterhope, Tūtaekurī US Mangaone and Tūtaekurī at Brookfields Bridge : < 0.026 mg/L …	The NPSFM 2020 requires water quality attributes to be maintained or enhanced, and only requires water quality to be lifted out of the NOF 'D' band. HBRC State and Trend information (2020) indicates that the DRP targets for some monitoring sites in the

	Name	Provision as notified	Relief sought	Reasons for relief
			DRP (mg/L) for Ngaruroro and Tūtaekurī Tributaries <u>except Mangatutu Stream and Mangaone River at Rissington</u>: < 0.015 mg/L <u>DRP (mg/L) for Mangatutu Stream and: < 0.026 mg/L</u> <u>DRP (mg/L) for Mangaone River at Rissington: < 0.034 mg/L</u> DRP (mg/L) for Lowland tributaries: < ~~0.015~~<u>0.030</u> mg/L **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	TANK Plan as notified are too ambitious in the short-to-medium term. The targets in Schedule 26 should be adjusted to reflect current state and trend information as a starting point for managing water quality for DRP. Otherwise the plan risks focussing too much on striving to achieve unrealistic objectives in some places, when management resources could be focused on higher priorities.
115	**Schedule 26**	**Water Quality Objective/Target for E. coli (cfu/100 ml)** Upper Ngaruroro and Upper Tūtaekurī Rivers: <5% over 260/100ml, median < 130/100ml Lower Ngaruroro and Lower Tūtaekurī Rivers: <5% over 540/100ml <20% over 260/100ml, median < 130/100ml Ngaruroro and Tūtaekurī Tributaries: <5% over 540/100ml <20% over 260/100ml, median < 130/100ml Lowland tributaries: <5% over 1000/100ml, median < 130/100ml <30% over 260/100ml <10% over 540/100ml	**That Water Quality Objective/Target for E. coli be amended to specify application to rivers and tributaries stream order 4 or greater.** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	The standards proposed in this schedule are the NOF swimming standards. But in the NOF, these are applied to rivers that are Stream Order 4 or greater. Therefore, for these standards to be meaningfully applied in the TANK Plan, they should also only apply to Stream Order 4 or greater.
116	**Schedule 26**	**Water Quality Objective/Target for Dissolved oxygen (mg/L or %) from continuous data** Upper Ngaruroro and Upper Tūtaekurī Rivers, Lower Ngaruroro and Lower Tūtaekurī Rivers, Ngaruroro and Tūtaekurī Tributaries: ≥8 (7-d mean min) / ≥7.5 (1-d min) / (≥80% saturation)	**That Water Quality Objective/Target for Dissolved oxygen (mg/L or %) from continuous data be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.**	These standards should be aligned with the National Objective Framework in the NPSFM

	Name	Provision as notified	Relief sought	Reasons for relief
		Lowland tributaries: ≥5 (7-d mean min) / ≥4 (1-d min)	**And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	
117	**Schedule 26**	**Water Quality Objective/Target for Temperature (°C) 5-day CRI from continuous data** Upper Ngaruroro and Upper Tūtaekurī Rivers: ≤ 1°C increment compared to reference state Lower Ngaruroro and Lower Tūtaekurī Rivers: ≤ 2°C increment compared to reference state Ngaruroro and Tūtaekurī Tributaries: ≤ 2°C increment compared to reference state Lowland tributaries: ≤ 2°C increment compared to reference state	**That Water Quality Objective/Target for Temperature (°C) 5-day CRI from continuous data be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
118	**Schedule 26**	**Water Quality Objective/Target for pH** Upper Ngaruroro and Tūtaekurī: 6.5 – 8. All areas (not upper Ngaruroro and Tūtaekurī): 6.5- 8.5	**That Water Quality Objective/Target for pH be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
119	**Schedule 26**	**Water Quality Objective/Target for BOD ($ScBOD_5$)** All areas: <2 mg/l	**That Water Quality Objective/Target for BOD ($ScBOD_5$) be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
120	**Schedule 26**	**Water Quality Objective/Target for Heavy metals and metalloids, pesticides and organic contaminants, radioactive contaminants** Upper Ngaruroro and Upper Tūtaekurī Rivers: 99% species protection All areas (not upper Ngaruroro and Tūtaekurī): 95% species protection	**That Water Quality Objective/Target for Heavy metals and metalloids, pesticides and organic contaminants, radioactive contaminants be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM

	Name	Provision as notified	Relief sought	Reasons for relief
121	**Schedule 26**	**Water Quality attribute for Guideline value for any aesthetic determinand (Drinking Water Standards for New Zealand DWSNZ)** Groundwater quality all areas: Within guidelines specified in the NZ Drinking Water Standards	**That Water Quality attribute for Guideline value for any aesthetic determinand (Drinking Water Standards for New Zealand DWSNZ) be retained as notified** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
122	**Schedule 26**	**Water Quality Objective/Target for E. coli (maximum concentration per 100mls)** E. coli for Groundwater quality all Areas: <1 E.coli/100ml	**That Water Quality Objective/Target for E. coli be retained as notified.** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
123	**Schedule 26**	**Water Quality Objective/Target for Nitrate- nitrogen (concentration of nitrate-nitrogen (mg $N\text{-}NO_3$ /l)** Nitrate- nitrogen (concentration of nitrate- nitrogen (mg $N\text{-}NO_3$ /l) for Groundwater quality all areas: <1mg/l	**That Water Quality Objective/Target for Nitrate- nitrogen (concentration of nitrate- nitrogen (mg $N\text{-}NO_3$ /l) be retained as notified.** **And that Schedule 26 be otherwise aligned with the NPS FM 2020.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	These standards should be aligned with the National Objective Framework in the NPSFM
124	**Schedule 27**	**Freshwater Quality Objectives** Schedule 27 does not have a regulatory function. It is not a statutory requirement and is an optional provision. However, it is included because it satisfies cultural and social needs for a long term and more integrated approach to the way freshwater is managed. It also provides additional direction for the monitoring and research efforts of the Council. This is particularly relevant for the integration of freshwater and estuary ecosystems. …	**That Schedule 27 be deleted** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	This schedule and the accompanying objective OBJ TANK 6 does not add anything practical to the goals of the plan change. Long term goals should be set as part of implementing the NPSFM 2020.
125	**Schedule 28**	**Priority Catchments** Refer to Rule TANK 1.	**That Schedule 28 be amended as follows:** …	The catchment maps available on the

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr>
<td></td>
<td></td>
<td>
This schedule sets out the list of priority catchments or places that are where there is;
1. Risk of sediment loss is higher than 500t/km^2/year (as modelled by SedNet)
2. SOE monitoring shows the freshwater objectives for nitrogen concentrations for water quality are not being met
3. Probability that dissolved nutrients do not meet freshwater objectives for nitrogen (as modelled by SOURCE and using Overseer data)
4. The level of dissolved oxygen (specific for lowland streams with slope <2 m/km)
5. A Source Protection Zone

The priority order assigned in relation to each of these water quality issues is as follows;

<table>
<tr><th></th><th>High priority</th><th>Medium priority</th><th>Low priority</th><th>Long term</th></tr>
<tr><td>Sediment yield (SedNet)</td><td>>500 t/km^2/year</td><td>350 - 500 t/km^2/year</td><td>250 - 350 t/km^2/year</td><td><250 t/km^2/year</td></tr>
<tr><td>TN concentrations (all flows, median)</td><td>> 2 mg/L</td><td>> 1.2 mg/L</td><td>> 1 mg/L</td><td><1 mg/L</td></tr>
<tr><td>TN yield (modelled) (all flows, average per sub-catchment)</td><td>> 10kg/ha/yr</td><td>> 3.5 kg/ha/yr</td><td>> 1.2 kg/ha/yr</td><td>≤1.2 kg/ha/yr</td></tr>
<tr><td>Dissolved Oxygen levels Class A streams (and /or where stream gradient <2m/km</td><td>anoxia (periods of little or no oxygen)</td><td>< 3 mg/L daily minimum and/or DO saturation <30%</td><td>< 4mg/L daily minimum and/or DO saturation < 40%</td><td>< 6 mg/L daily minimum and/or DO saturation <60%</td></tr>
</table>
Catchment maps showing spatial extent and location of the priority areas are available as part of this plan change but are not included as planning maps. This is because the thresholds for priority will remain fixed, however the status of catchments will change over time as work is completed within the catchment.
Farm Environment and Catchment Collective Plans and Industry Programmes are to be completed in the following priority order; High, Medium and Low Priority over the first 3, 6 and 9 years respectively following <the operative date> of the plan (although work can commence at any time and farmers will be encouraged to start with their
</td>
<td>
~~Catchment maps showing spatial extent and location of the priority areas are available as part of this plan change but are not included as planning maps. This is because the thresholds for priority will remain fixed, however t~~The status of catchments will change over time as work is completed within the catchment.
Farm Environment and Catchment Collective Plans and Industry Programmes are to be completed in the following priority order; High, Medium and Low Priority over the first 3, 6 and 9 years respectively following <the operative date> of the plan (although work can commence at any time and farmers will be encouraged to start with their own programme as soon as possible).
…
<table>
<tr><th></th><th>High priority</th><th>Medium priority</th><th>Low priority</th><th>Long term</th></tr>
<tr><td>~~TN yield (modelled)~~ ~~(all flows, average per sub-catchment)~~</td><td>~~> 10kg/ha/yr~~</td><td>~~> 3.5 kg/ha/yr~~</td><td>~~> 1.2 kg/ha/yr~~</td><td>~~≤1.2 kg/ha/yr~~</td></tr>
</table>
…

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.
</td>
<td>
Council website do not correspond with 2020 HBRC state and trend information about water quality attributes, and all reference to them should be removed from the proposed TANK plan

TN Yield should not be a trigger for catchment management priority. TN Yield is an estimate of N-loss below the root zone, for the purpose of adjusting application of nitrogen to manage TN concentration within waterways and water bodies. TN Yield itself does not determine management priority as-such, but rather is a target for managing application of nitrogen to reduce TN concentration in waterways where it is at levels that would result in environmental degradation.
</td>
</tr>
</table>

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td>own programme as soon as possible).</td><td></td><td></td></tr>
<tr><td>126</td><td>Schedule 29</td><td>Land Use Change
If the use of production land on farm properties or farming enterprises in the TANK catchments changes over more than 10 hectares per property , information may be requested from the landowner or land manager to demonstrate or model the annual Nitrogen loss (using Overseer or SPASMO or alternative model approved by HBRC) in order to;
1. show compliance with the requirements of Rules TANK 5 and 6
2. enable Policies 18 and 21 to be implemented
3. assist landowners to implement the requirements of Schedule 30
Calculation of changes to the annual nitrogen loss on a whole of property or whole of farming enterprise basis will be based on the data in Table 1 unless more accurate model data specific for the property in question is available.
Table 2 specifies the allowable change in nitrogen load. The loads are calculated according to the following formula. For each column; the value given is the maximum difference between the highest and lowest Nitrogen loss x 10ha.
Where the land use activity involves arable or vegetable cropping including grazing on a rotational basis, including on lease land at variable locations, production land use change does not include a change in the location of an arable and/or vegetable cropping rotation, where the area of the rotation is equivalent, (plus 10 ha) of the maximum rotation area in the 5 years prior to the plan notification

table 1: Nitrogen Losses for Production Land
<table>
<tr><th>Land Use Type</th><th>TN Load (kg/ha/y) (Overseer)</th><th colspan="3">TN Load (kg/ha/y) SPASMO</th></tr>
<tr><td></td><td></td><td>Esk/Omahu/Pakipaki Soils</td><td>~~Average~~ Other soils</td><td>Farndon/Omarunui/TeAwa soils</td></tr>
<tr><td>Beef</td><td>20</td><td></td><td></td><td></td></tr>
<tr><td>Dairy</td><td>32</td><td></td><td></td><td></td></tr>
<tr><td>Scrub or tree cover</td><td>3</td><td></td><td></td><td></td></tr>
<tr><td>Mixed sheep, beef and deer</td><td>13</td><td></td><td></td><td></td></tr>
<tr><td>Kiwifruit</td><td></td><td>9</td><td>13</td><td>23</td></tr>
<tr><td>Pipfruit</td><td></td><td>9</td><td>15</td><td>24</td></tr>
<tr><td>Summer fruit</td><td></td><td>9</td><td>14</td><td>23</td></tr>
<tr><td>Grapes</td><td></td><td>1</td><td>9</td><td>18</td></tr>
<tr><td>Winter forage crops</td><td></td><td></td><td></td><td></td></tr>
</table></td><td>That Schedule 29 be amended as follows:

If the use of production land on farm properties or farming enterprises in the TANK catchments ~~changes over more than 10 hectares per property~~ results in intensification of the stock unit rate by more than 10% per 5-year-period in sub-catchments where TN concentration in surfacewater bodies is already in the NOF D-Band, or is at risk of degradation below current state for TN concentration, information may be requested from the landowner or land manager to demonstrate or model the annual Nitrogen loss (using Overseer or SPASMO or alternative model approved by HBRC) in order to;
1. show compliance with the requirements of Rules TANK 5 and 6
2. enable Policies 18 and 21 to be implemented
3. assist landowners to implement the requirements of Schedule 30

Calculation of changes to the annual nitrogen loss on a whole of property or whole of farming enterprise basis will be based on the data in Table 1 unless more accurate model data specific for the property in question is available.

Table 2 specifies the allowable change in nitrogen load. The loads are calculated according to the following formula. For each column; the value given is the maximum difference between the highest and lowest Nitrogen loss x 10ha.

Where the land use activity involves arable or vegetable cropping including grazing on a rotational basis, including on lease land at variable locations, production land use change does not include a change in the location of an arable and/or vegetable cropping rotation, where the area of the rotation is equivalent, (plus 10 ha) of the maximum rotation area in the 5 years prior to the plan notification

Table 1…
<table>
<tr><th>Land Use Type</th><th>TN Load (kg/ha/y) (Overseer)</th></tr>
</table></td><td>A ‘change over more than 10 ha’ threshold for assessing the impact of nutrient is inappropriate. There are too many variables affecting nutrient yield be confident that pursuing assessments when this threshold is triggered, will be a worthwhile expenditure of resources. HBRC has opted for a staged adaptive management approach (as stated in the s32 report accompanying the notified plan change). Therefore, any threshold for triggering assessment should be related to long term intensification (as opposed to short-term changes). Short-term changes may be necessary for several reasons, including having to de-stock and restock because of disruptions such as pandemics or drought. These could affect N load ‘changes’ in shorter timeframes. Also, the TN Load (kg/ha/year) allowances for different stock unit</td></tr>
</table>

	Name	Provision as notified	Relief sought	Reasons for relief

Provision as notified

Arable/vegetable rotation				

Table 2 – Nitrogen Loss Thresholds per Property or Farm Enterprise (ref TANK Rule 5)

	Annual Nitrogen loss change threshold (kg/y)		
	Esk/Omahu/Pakipaki Soil types	Other soils	Farndon/Omarunui/Te Awa soil types
Unirrigated land uses	290		
Irrigated land uses	80	240	430

Change between non-irrigated and irrigated land uses will be subject to a maximum permitted change of 290 (kg/ y) using SPASMO to calculate the change.

Relief sought

Beef	~~20~~ 30
Dairy	~~32~~ 40
Scrub or tree cover	~~3~~ 4
Mixed sheep, beef and deer	~~13~~20
~~Winter forage crops~~	
~~Arable/vegetable rotation~~	

Table 2…

	Annual Nitrogen loss change threshold (kg/y)
Unirrigated land uses	~~290~~

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.

Reasons for relief

types are too conservative for a 'staged adaptive management approach'. These limits may have the perverse effect of preventing farmers from adapting, and in any event are unnecessary given the low TM concentrations evident in HRBC's 2020 TANK State and Trend reporting. More liberal limits are preferred, so that a staged adaptive management approach can be evaluated in a way that gives farmers latitude to plan and adapt.

Requirements for Farm Environment Plans, Catchment Collective Plans, or approved Industry Programmes targeted at reducing TN concentration in surface water and/or groundwater FMUs should only apply in sub-catchments where TN concentration is at risk of overall degradation below current state (other than where TN is already with the NOF D-Band, where all such plans should be required anyway).

	Name	Provision as notified	Relief sought	Reasons for relief
				Given that Clause 33 of the NES for Freshwater Regulations (2020) sets a 190kg/ha/year cap for synthetic nitrogen fertiliser, and that HBRC State and Trend Reports (2020) indicates that there is no evident N pollution problem in the TANK catchment, a 290kg/ha/year N limit for unirrigated land uses is superfluous and unnecessary and such limit should be deleted.

127	**Schedule 30**	**Landowner Collective, Industry Programme and Farm Environment Plan**
		
		The TANK Plan provides for an **Industry Group** or a **Catchment Collective** to work collectively on behalf of their members to meet local water quality and environmental objectives. Alternatively, landowners may also prepare an individual **Farm Environment Plan**.
		
		This schedule sets out the requirements for the establishment of a TANK Industry Group or TANK Catchment Collective their operation and their environment plan in order for them to be approved by the Hawke's Bay Regional Council. It also sets out the requirements for Farm Environment Plans. **Heretaunga Plains Water Management Unit.**
		
		In the Heretaunga Plains Water Management Unit, requirements for stream flow enhancement will be imposed through conditions of a water permit. Management of a stream flow enhancement scheme is not required to be done by water permit holders acting collectively, however, an Environmental Management Plan can address collective management of any flow enhancement scheme and also address water quality issues according to Sections A and B at the same time.
		
		Industry Groups and Catchment Collectives
		A TANK Industry Group or a TANK Catchment Collective must meet the requirements set out in Section A below.
			That Schedule 30 be amended as follows:
			…
			Industry Programme or Catchment Collective Programme
			…
			This programme must identify the key water quality and water quantity management issues identified in this Plan that are relevant to;
			• the catchment(s) or sub-catchment(s) where:
			  • there is a significant risk of degradation of water quality attributes or where water quality attributes are within the NOF D-Band, or
			  • there is overallocation of water.
			• the nature of the land and water use activities carried out within that catchment
			• the scale of the effects on water quality or water quantity from the land and water use activities in that catchment
			
			The Programme will describe an environmental management strategy relevant to the freshwater water management objectives where the member properties are located that demonstrates:
				The focus of this whole section should be on requiring catchment collective plans of Industry Programmes or Farm Environment Plans only in catchment(s) or sub-catchment(s) where:
				• there is a significant risk of degradation of water quality attributes or where water quality attributes are within the NOF D-Band, or
				• there is overallocation of water.
				
				In regard to 2.2 b)(ii), LUC is not an

	Name	Provision as notified	Relief sought	Reasons for relief
		Industry Programme or Catchment Collective Programme Each TANK Industry or TANK Catchment Collective must prepare an **Industry Programme** or **Catchment Collective Programme** that meets the requirements set out in Section B below. This programme must identify the key water quality and water quantity management issues identified in this Plan that are relevant to; • the catchment(s) • the nature of the land and water use activities carried out within that catchment • the scale of the effects on water quality or water quantity from the land and water use activities in that catchment The Programme will describe an environmental management strategy relevant to the freshwater water management objectives where the member properties are located. An Industry Programme can be based on existing good agricultural practice industry programmes, and will in addition need to address local water quality and quantity issues. A summary of the Programme objectives and outputs will be made publicly available through the Council website. Any TANK Programme prepared in accordance with Schedule 30 may include or contribute to other initiatives or objectives (such as in relation to farm production, pest control, biodiversity or other land management issue) as desired by the Catchment Collective or Industry Programme. These aspects are not subject to the Council's approval, but may be a means of enabling integrated land and water management for a wider range of management objectives. **Farm Environment Plan** The requirements of the Farm Environment Plan are set out in Section C below. **Programme Requirements** **Section A: Industry Groups and Catchment Collectives** 1. Governance and Management 1.1 Each Catchment Collective or Industry Group must undertake to carry out the requirements of Sections A and B and must specify in writing the manner in which it will carry this out. This must address the following: **Details relating to the governance and management arrangements of the Programme including:** a) How decisions are to be made and how the requirements of Section B will be carried out including obligations by members to carry out the property specific requirements b) Conditions of membership of the Programme by individual land managers	a) <u>how water quality attributes will be prevented from overall degradation (or how water quality attributes will be improved out of the NOF D-Band)</u>. b) <u>how water overallocation will be reduced</u> <u>Permitted activity takes and takes under RMA section 14(3)(b) shall not be affected by measures required to address b) above.</u> … 2.2 The Plan must address where appropriate; … b) where water quality does not meet standards in Schedule 26, identifying how there will be reductions in losses that contribute to meeting the specified water quality including, where appropriate, reference to; … (ii) ~~LUC (Land Use Capability) and~~ soil type; … (iv) Stock management including <u>increases in</u> rates and densities of different classes of stock; … g) management of stock, including in relation to river or stream crossings and exclusion from waterways <u>except as provided for</u> in a manner that is consistent with Policy 22 and Rules TANK 1 or 3; … 3.1 The Catchment Collective plan or Industry Programme will be submitted for approval by the HBRC no later than by the end of the relevant year specified for that catchment in Schedule 28 <u>provided that HBRC has established an operational activity for assessing Catchment Collective Plans in terms of its activities and functions under the Local Government Act 2002</u>. In making decisions to approve the Programme the Council will take	appropriate proxy for assessing suitability of productive land for nutrient management. In regard to 2.2 b)(iv), the focus should be on managing increases in stock unit rates etc. Clause 2.2 g), needs clarification to understand its specific meaning Clause 3.1 needs clarification that Catchment Collective Plans pre-suppose that HBRC is ready to process such plans in terms of its operational budgets under the LGA. Clause 3.2 needs amending because of adding new Clause 3.3 A new clause (3.3) is required to address the event of interim approval of Catchment Collective Plans while HBRC's operational activity for assessment of such plans is still pending being activated. The focus in Clause 5.1 should be on managing intensification of land

	Name	Provision as notified	Relief sought	Reasons for relief
		(the 'Members' who commit to the Programme), including the circumstances and terms of membership, sanctions or removal from the Collective or Industry Programme including in relation to unreasonable non-performance of actions identified in clause 2 below. c) The process for assessing performance at an individual property level compared to agreed actions at the catchment scale. *Note 1: the Collective or Industry Programme may prepare its own terms of reference as well as manage their own decision making processes and administration. This may include appointing a spokesperson or secretary to ensure recording and reporting work is completed as necessary. Note 2: If a membership is lapsed, refused or discontinued, the Council will require the landowner to comply with rule TANK 1* **Information and management systems and processes to ensure:** d) Competent and consistent performance in meeting the requirements of this schedule e) Robust data management, including up-to-date registers of Programme Members. f) Timely provision of suitable quality data and information required under the following clauses to Hawke's Bay Regional Council g) Conditions of membership of the Programme by individual land managers (the 'Members') who commit to the Programme including provision of information to enable reporting requirements to be met. **A description of the Programme area including:** h) locations and maps, i) land uses, j) locations of ; (i) drains (including subsurface drains), streams, rivers, wetlands and other water bodies, (ii) any Source Protection Zone or Extent for any Registered Drinking Water Supply that any properties in the programme area are located in, plus the contact details of the water supply manager (Note – Maps included with this plan show the locations of the SPZs and Extent for any Registered Drinking Water Supplies. Contact information for the supply manager is available on the Council website), k) activities at particular risk of nutrient loss, l) property boundaries, m) up-to-date details about ownership and property managers, n) up-to-date contact details of individual land managers and landowners within the Programme (the 'Members'). **Section B: Catchment Collective Requirements**	into account; … 3.2 Where approval is not given, it means the requirements of Rule TANK 1 are not able to be met and land use is therefore subject to either Rule TANK 1 (b)2 or Rule TANK 2 <u>except as provided by 3.3 below.</u> <u>3.3 Where HBRC has not yet established an operational activity for processing Catchment Collective Plans (as part of its functions under the Local Government Act 2002) including establishment and support for a catchment collective governance body, the ability of primary producers within the TANK Catchment to farm, shall not be prejudiced by any lack on HBRC's part in establishing such Council activity. Further, any Catchment Collective Plans that have been submitted under this part, while the establishment by HBRC of operational activity for assessing Catchment Collective Plans and a Catchment Collective governance body is still pending, shall be deemed to have interim approval upon submission of a Catchment Collective Plan. Such interim approval shall be subject to adjustment of conditions once HBRC's Catchment Collective Plan assessment programme has been established.</u> … 4.2 Information will be required where appropriate about: … b) nature and significance of any land use change in accordance with Policy 22 and Rule TANK 5 or 6 and based on land uses at 2 May 2020. … 5.1 A summary report on the implementation of the Programme shall be submitted annually to the Hawke's Bay Regional Council or less	use that results in increased nutrient and pollutant contamination of freshwater resources (rather than on 'land use change' per se).

	Name	Provision as notified	Relief sought	Reasons for relief
		This section sets out the requirements for the environment plan for each Catchment Collective or Industry Programme **2. Environmental Outcomes** 2.1 The Plan must include statements about the; a) specified water quality outcomes in Schedule 26 of this Plan relevant to the location of Members' properties b) measures or practices needed to minimise and mitigating the cumulative environmental effects of land use that will enable the specified water quality objectives to be met. c) timeframes for when each of the actions or mitigations at a property or catchment scale are to be implemented and which are consistent with meeting the timeframes specified for relevant water quality objectives and milestones specified in the Plan 2.2 The Plan must address where appropriate; a) managing contaminant losses (especially sediment, nutrients and bacteria) to waterways including efficient use of nutrients and good practice when carrying out land disturbance activities especially in relation to critical contaminant source areas b) where water quality does not meet standards in Schedule 26, identifying how there will be reductions in losses that contribute to meeting the specified water quality including, where appropriate, reference to; (i) in relation to industry specified benchmarks or good practice for nitrogen and phosphorus loss; (ii) LUC (Land Use Capability) and soil type; (iii) Olsen P levels in soil; (iv) Stock management including rates and densities of different classes of stock; (v) Application of fertilisers; (vi) Application of collected animal effluent; (vii) Cultivation, soil disturbance or vegetation clearance activities c) Management of riparian margins, including to meet the outcomes specified in Policy 11 and maintaining or improving the physical and biological condition of soils in a manner consistent with Policy 20 and RRMP Rule 7 in order to avoid, remedy or mitigate problems arising from; (i) Loss of topsoil by wind or water erosion; (ii) Movement of soils and contaminants into waterways; (iii) Damage to soil structure and health; (iv) Mass movements of soil; d) wetland management including to meet the outcomes specified in Policies 14 and 15; e) management of animal effluent to avoid contamination of ground and	frequently as determined by Council if all agreed mitigations have been completed, water quality objectives are being met and there is no ~~land use change exceeding 10ha of the programme area~~ intensification of land use that results in increased nutrient and pollutant contamination of freshwater resources . … **Section C: Farm Environment Plans** If a property is not subject to a TANK Industry Programme or a TANK Catchment Collective prepared under Section B of this schedule, and the property is within a catchment(s) or sub-catchment(s) where: • there is a significant risk of degradation of water quality attributes or where water quality attributes are within the NOF D-Band, or • there is overallocation of water, a Farm Environment Plan must be prepared in accordance with Section C. **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	

	Name	Provision as notified	Relief sought	Reasons for relief
		surface waters; f) measures required to reduce risk of contamination of the source water for any Registered Drinking Water Supply; g) management of stock, including in relation to river or stream crossings and exclusion from waterways in a manner that is consistent with Policy 22 and Rules TANK 1 or 3; h) in the **Karamū and Lake Poukawa Catchments** ; the identification of opportunities to provide shading of the adjacent waterway or improvements to riparian margin values as specified in Policy 2. 2.3 The Plan must include measures to address **Nutrient Management** in any catchment or programme area where water quality objectives for nitrogen concentrations as detailed in Schedule 26 (or as further detailed for local rivers) are not being met, including; a) development of an inventory of the nitrogen loss rate (kg/ha/year) for every property as determined by application of Overseer (or an alternative nutrient budget model approved by the Hawke's Bay Regional Council) by a suitably qualified independent practitioner; b) a description of any mitigation measures identified as necessary to meet water quality objectives on those properties or within the relevant catchment; c) annual recording and reporting of nutrient input and export data, including annual nitrogen loss rates. 2.4 A Catchment Collective member may adopt or integrate a plan or documentation developed as part of an Industry Good Agricultural Practice programme, provided that the Plan or documentation is consistent with the requirements of the Catchment Collective Programme **3. Approval** 3.1 The Catchment Collective plan or Industry Programme will be submitted for approval by the HBRC no later than by the end of the relevant year specified for that catchment in Schedule 28. In making decisions to approve the Programme the Council will take into account; a) whether the requirements of this Schedule are met b) whether the programme is consistent with the policies, water quality objectives and milestones that are relevant for that Catchment Collective or Industry Programme c) whether the Programme was appropriately informed by person(s) with the necessary professional qualifications to make assessments about the contaminant loss risk and mitigation measures d) whether the governance and management systems are in place to enable the implementation of the programme 3.2 Where approval is not given, it means the requirements of Rule TANK 1 are not able to be met and land use is therefore subject to either Rule TANK 1 (b)2 or		

	Name	Provision as notified	Relief sought	Reasons for relief
		Rule TANK 2. **4. Information Requirements** 4.1 The Catchment Collective or Industry programme must prepare a statement of the data and information that will be collected in order to monitor implementation and report to Council. 4.2 Information will be required where appropriate about: a) changes to programme area and membership; b) nature and significance of any land use change in accordance with Policy 22 and Rule TANK 5 or 6 and based on land uses at 2 May 2020. c) the results of any environmental monitoring carried out by the Catchment Collective or Industry Programme; d) the mitigation measures or practices carried out to reduce contaminant loss (consistent with what is industry agreed good practice) that will be adopted by the property owners or managers and as detailed in clause 2.1; e) data, which may be aggregated across a catchment, about nitrogen loss and any changes in losses in respect of clause 2.3. **5. Reporting and Review** 5.1 A summary report on the implementation of the Programme shall be submitted annually to the Hawke's Bay Regional Council or less frequently as determined by Council if all agreed mitigations have been completed, water quality objectives are being met and there is no land use change exceeding 10ha of the programme area. 5.2 The report will be supplied in the format specified by Council. 5.3 The report will include; a) information collected under section 4; b) any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc); c) issues or matters that require input or direction from the Council, including the management of activities outside the Catchment Collective which may be adversely affecting the achievement of the of programme objectives, including identification of additional information/support from HBRC that would assist in the achievement of the objectives of the programme. 5.4 Every 5 years the annual report shall provide information about; a) adoption of any new mitigation or good practice measures identified by industry; b) identification of opportunities for improvements to the programme including, where necessary, amending performance standards, and in relation to nutrient management in clause 2.3. **6 Auditing**		

	Name	Provision as notified	Relief sought	Reasons for relief
		6.1 The HBRC will; a) Publicly report on the implementation of TANK Programmes; b) Undertake audits of TANK Industry or Catchment Collective Programmes including on member properties in relation to individual and programme implementation of programmed works, adoption of identified good management practices, including nutrient management budgets where required. *Note 2: that if the conditions of any applicable RRMP Rule 7 for specified activities are not being complied with by a landowner or manager, there must be information as outlined in section B2 above of the Catchment Collective or Industry Programme to show how the relevant contaminant loss risks are to be managed to a similar level of performance.* **Section C: Farm Environment Plans** If a property is not subject to a TANK Industry Programme or a TANK Catchment Collective prepared under Section B of this schedule a Farm Environment Plan must be prepared in accordance with Section C. **1. Requirements for Farm Environment Plans.** 1.1 A Farm Environment Plan must; a) be prepared by a person with the professional qualifications necessary to prepare such a plan. b) contain the following information; (i) physical address; (ii) details about ownership and property managers including contact details for the person responsible for the implementation of the Plan. c) be accompanied by maps or aerial photograph at a scale to clearly show; (i) property boundaries; (ii) locations or activities likely to result in contaminant loss or at risk from contaminant loss including; i. areas at risk of sediment loss; ii. the location of drains (including subsurface drains), streams, rivers, wetlands and other water bodies; iii. the location of any Source Protection Zone or Extent for any Registered Drinking Water Supply that any properties in the programme area are located in, plus the contact details of the water supply manager (Note Maps included with this plan show the locations of the SPZs and Extents for any Registered Drinking Water Supplies. Contact information for the supply manager is available on the Council website. iv. activities at particular risk of nutrient loss; v. contaminant discharge activities.		

	Name	Provision as notified	Relief sought	Reasons for relief
		d) meet the requirements of Clauses 2 and 4 Section B of this Schedule as applicable for the property, its location and the land use activities being carried out. **2. Reporting and Review** 2.1 The Farm Environment Plan will be submitted to the HBRC no later than by the end of the relevant year specified in Schedule 28 for the catchment(s) the property is located in. 2.2 The report will be in the format specified by Council. 2.3 The report will include: a) information collected under Clause 4 of Section B b) any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc) 2.4 Every 5 years the annual report shall provide information about; c) adoption of any new mitigation or good practice measures identified by industry, d) identification of opportunities for improvements to the programme including, where necessary, amending performance standards, and in relation to nutrient management in clause 2.3 of Section B. **3. Auditing** 3.1 The HBRC will; (i) Publicly report on the implementation of TANK Farm Environment Plan requirements (ii) Undertake audits of properties in relation the Farm Environment Plan implementation of programmed works, adoption of identified good management practices, including nutrient management budgets where required. *Note 3: that if the conditions of any applicable rules for specific activities in Section 6 of this plan are not being specifically complied with, there is information in the Farm Environment Plan to show how the relevant contaminant loss risks are to be managed to a similar level of performance.* **Note:** the diagram below shows how the three environmental management approaches provided for in TANK 1 and Schedule 30 inter-relate with each other and their relationship with Council regulations. (The diagram is not part of the Plan Change but is included here for assistance in interpretation.)…		

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td>128</td><td>Schedule 31</td><td>
Flows, Levels and Allocation Limits

Minimum and Trigger Flows and Allocation Limits
Refer to Rules TANK 9-11. This Schedule specifies the amount of water that may be authorised for abstraction from the specified water management units and the flows at which water abstraction is subject to restrictions or requirements.

The allocation limits do not apply to water abstraction that is enabled by the release of water from water taken at times of high flow and stored for later release (refer to Schedule 32).

The location and spatial extent of the management units is shown on the Planning Maps Schedule 31A – 31E
<table>
<tr><th>Water Management Units (quantity) and includes any tributaries of the named river</th><th>Water bodies</th><th>Minimum flow/flow maintenance site</th><th>Minimum Flow (litres/second)</th><th>Flow maintenance Trigger</th><th>Allocation limit (litres/second for surface water and zone 1 and M³/ per year for groundwater</th></tr>
<tr><td rowspan="2">Ahuriri</td><td>All surface water</td><td>n/a</td><td>n/a</td><td>n/a</td><td>Existing use only[1]</td></tr>
<tr><td>All groundwater</td><td>n/a</td><td>n/a</td><td>n/a</td><td>Existing use only[1]</td></tr>
<tr><td rowspan="9">Karamū/ Clive River</td><td rowspan="2">Awanui Kawerawera/ Paritua</td><td>The Flume</td><td>120</td><td>120</td><td rowspan="6">Total not to exceed 30 l/s</td></tr>
<tr><td>Pakipaki</td><td></td><td>75</td></tr>
<tr><td>Irongate</td><td>Clarks Weir[2]</td><td>100</td><td>100</td></tr>
<tr><td>Louisa Stream</td><td>Te Aute Rd</td><td>30</td><td>30</td></tr>
<tr><td>Mangateretere Stream</td><td>Napier Rd</td><td>100</td><td>100</td></tr>
<tr><td>Karamū River</td><td>Floodgates</td><td>1100</td><td>1100</td></tr>
<tr><td>Raupare Stream</td><td>Ormond Rd</td><td>300</td><td>300</td><td>70 l/sec</td></tr>
<tr><td>Poukawa incl Lake Poukawa Groundwater</td><td>n/a</td><td>n/a</td><td>n/a</td><td>Existing use only[1]</td></tr>
<tr><td>Poukawa incl Lake Poukawa Surface</td><td>At Douglas Rd[2]</td><td>20</td><td>n/a</td><td>Existing use only[1]</td></tr>
</table>
</td><td>
That Schedule 31 be amended as follows:

To allow reallocation of unused allocated water amounts in existing water permits between irrigation users who are within the same Catchment Collective, within any FMU.

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.
</td><td>Catchment Collectives are intended to enable collective members to work together to manage their water resource in ways that support staged adaptive management of the freshwater resource. Allowing reallocation of unused water between members of the same collective will incentivise farmers to work in collectives.</td></tr>
</table>

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><td></td><td>water</td><td></td><td></td><td></td><td></td></tr>
<tr><td rowspan="4">Ngaruroro River s/w and g/w</td><td>Maraekakaho River</td><td>Tait Rd</td><td>109</td><td>n/a</td><td>36 l/sec</td></tr>
<tr><td>Tūtaekurī - Waimate</td><td>Goods Bridge</td><td>1200</td><td>n/a</td><td>607 l/sec</td></tr>
<tr><td>Ngaruroro River (surface and Zone 1)</td><td>Fernhill[2]</td><td>2400</td><td></td><td>1300 l/sec</td></tr>
<tr><td>Ngaruroro Groundwater</td><td>N/a</td><td>n/a</td><td>n/a</td><td>Existing use only[1]</td></tr>
<tr><td rowspan="4">Tūtaekurī River s/w and g/w</td><td>Mangatutu Stream</td><td>Puketapu</td><td>3800</td><td></td><td>120 l/sec</td></tr>
<tr><td>Mangaone River</td><td>Puketapu</td><td>2500</td><td></td><td>140 l/sec</td></tr>
<tr><td>Tūtaekurī (surface plus Zone1)</td><td>Puketapu</td><td>2500</td><td></td><td>1140 l/sec</td></tr>
<tr><td>Tūtaekurī groundwater</td><td>n/a</td><td>n/a</td><td></td><td>Existing use only[1]</td></tr>
<tr><td>Heretaunga Plains Water Management Unit (Quantity)</td><td>Heretaunga Plains groundwater</td><td>n/a</td><td>n/a</td><td></td><td>Existing use only[1]</td></tr>
</table>
</td><td></td><td></td></tr>
<tr><td>129</td><td>Schedule 32</td><td>High Flow Allocation
Refer to Rules TANK 13-16. This Schedule specifies the amount of water that may be authorised for abstraction from the specified water management units and the flows at which water abstraction is subject to restrictions or requirements. They apply to water abstraction that is enabled by the damming and release of water taken or dammed at times of high flow and stored for later release.
<table>
<tr><th>(A)
River Name</th><th>(B)
Flow Management Site</th><th>(C)
Flow Trigger</th><th>(D)
High Flow Allocation</th><th>(E)
Amount reserved for Māori development</th><th>(F)
Limits for Damming</th></tr>
<tr><td>Ngaruroro R</td><td>Fernhill</td><td>20 m^3/sec</td><td>8,000 litres per second* This includes;
• the 2 m^3/sec allocation allocated in consents existing at 2 May 2020
• the amount taken from</td><td>1,600 litres per second</td><td>Damming on mainstem of Ngaruroro River is prohibited</td></tr>
</table>
</td><td>That Schedule 32 be amended as follows
<table>
<tr><th>(A)
River Name…</th><th>(D)
High Flow Allocation</th><th><s>(E)
Amount reserved for Māori development</s></th><th>(F)
Limits for Damming</th></tr>
<tr><td>Ngaruroro R/Fernhill</td><td>8,000 litres per second*
This includes;
• the 2 m^3/sec allocation allocated in consents existing at 2 May 2020
• the amount taken from high flow</td><td><s>1,600 litres per second</s></td><td><s>Damming on mainstem of Ngaruroro River is prohibited</s>
n/a</td></tr>
</table>
</td><td>There should be no requirement for high flow allocation to be reserved for Maori development from high-flow abstractions. Federated Farmers supports an effects based approach to management of resources. Federated Farmers considers that an allocation for iwi on would be contrary to Council's functions under the RMA and would not be an effects based approach.

Requiring such allocations could have</td></tr>
</table>

	Name	Provision as notified						Relief sought				Reasons for relief
					high flow in any tributary of the Ngarururo • the amount specified in column (E)				in any tributary of the Ngarururo • the amount specified in column (E)			the perverse effect of discouraging individual farmers to seek to construct dams for storage of high flow abstraction, especially where the construction cost hangs in the balance (especially for many smaller individually owned family farms). If Schedule 31 is intended to be tied to bigger water storage/augmentation schemes, then there needs to be clear parameters/rules around how it will be applied, with threshold(s) that don't capture private dams on individual farms. If storage of such 20% allocation is not exercised, it could just end up flowing down the river and thus acting as a *de facto* extra limit of high flow allocation, and could then amount to waste of a precious resource. The references to prohibited activity status should be removed
				All Trigger flows above 5000 l/sec	Abstraction of up to 1 m^3/sec authorised in consents existing as at 2 May 2020. Included in the 1m^3/sec is abstraction of up to 400l/sec which is solely available to be discharged into the Paritua Stream to provide for stream enhancement		n/a		Abstraction of up to 1 m^3/sec authorised in consents existing as at 2 May 2020. Included in the 1m^3/sec is abstraction of up to 400l/sec which is solely available to be discharged into the Paritua Stream to provide for stream enhancement		n/a	
				Trigger flows above 2400l/sec	200 l/sec which is solely available to be discharged into the Paritua Stream to provide for stream enhancement							
		Ngarururo and Tūtaekurī Tributaries		Median flow	The high flow allocation from the tributary is proportional to its contribution to the mainstem. It is part of the total allocation for the mainstem high flow allocation.	20% of any high flow allocation from any tributary.	No change of more than 10% to FRE3 in the mainstem of the applicable River. Damming on the mainstem of the Taruarau Omahaki, Mangaone and Mangatutu is prohibited.					
		Tūtaekurī	Puketapu	8,000 litres per second	2,500 litres per second This includes • the amount taken from high flow in any tributary of the	500 litres per second	Damming on the mainstem of the Tūtaekurī River is prohibited					

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td><table><tr><td></td><td></td><td></td><td>Tūtaekurī
• the amount specified in column (E)</td><td></td><td></td></tr></table></td><td><table><tr><td>Ngaruroro and Tūtaekurī Tributaries</td><td>The high flow allocation from the tributary is proportional to its contribution to the mainstem. It is part of the total allocation for the mainstem high flow allocation.</td><td>~~20% of any high flow allocation from any tributary.~~</td><td>No change of more than 10% to FRE3 in the ~~mainstem of~~ the applicable ~~River~~ tributary. ~~Damming on the mainstem of the Taruarau Omahaki, Mangaone and Mangatutu is prohibited~~.</td></tr><tr><td>Tūtaekurī/Puketapu</td><td>2,500 litres per second This includes
• the amount taken from high flow in any tributary of the Tūtaekurī
the amount specified in column (E)</td><td>~~500 litres per second~~</td><td>~~Damming on the mainstem of the Tūtaekurī River is prohibited~~ n/a</td></tr></table>
And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.</td><td>The limit for high flow allocation in tributaries should relate to FRE3 in the applicable tributary.</td></tr>
<tr><td>130</td><td>Schedule 33</td><td>Water Permit Expiry Dates
Refer to Policy 45 and Rules TANK 9 - 11. The Council will consider the following Schedule when determining the duration of any permit to take and use water.
Where appropriate, the duration of the consent will be consistent with the next common expiry date for the relevant water management as shown in this Schedule. If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date.
For applications in an area for which no expiry date is specified, the duration of the consent will be a matter for Council's discretion.</td><td>That all expiry dates in Schedule 33 be amended to a minimum of 20-year intervals

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.</td><td>15-year expiry periods are inadequate for primary production users preparing and presenting management plans for primary production land within the TANK catchment under this plan change.</td></tr>
</table>

	Name	Provision as notified				Relief sought	Reasons for relief
		Current common expiry date	**Management Area**	**Next expiry dates**			Primary producers will need a longer time period to be able to utilise water permits in order to get a return on their investment and alongside all the other measures they will need to undertake as part of their staged adaptive management of the freshwater resource.
			Groundwater (HPWMU)				
		2019 + 2018	Poraiti – (Heretaunga Plains WMU)	2033	2048		
		2019 + 2018	Ahuriri	2033	2048		
		2019	Unconfined Aquifer & Unconfined Part Of Twyford	2035	2050		
		2020	Twyford Confined	2035	2050		
		2021	St George	2036	2051		
		2022	Te Mata	2037	2052		
		2023	Longlands/Pakipaki, Hastings	2038	2053		
		2024	Haumoana, Whakatu/Clive,	2039	2054		
		2024	Twyford	2040	2055		
		2025		2040	2055		
		2025	Pakowhai, Omarunui,	2040	2055		
		2026	Moteo	2041	2056		
		2027	Napier/Meeanee	2042	2057		
		2028?	Poraiti				
		2023	Karamū Catchment	*2040*	*2058*		
		2028		2043	2058		
		Groundwater (not including Zone 1 or Heretaunga Plains)					
		2019	Ahuriri	*2039*	*2059*		
		2029		2044	2059		
		2023	Karamū Catchment	*2040*	*2058*		
		2028		2043	2058		
		2028?	Tūtaekurī Catchment	2043	2058		
		2025	Ngaruroro Catchment	2040	2055		
		Surface Water (including Zone 1 groundwater)					
		2023	Karamū (and all tribs except Raupare)	*2040*	*2058*		
		2028		2043	2058		
		2025	Raupare	2044	2029		
		2026	Tūtaekurī-Waimate	2041	2056		

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><td>2028</td><td>Tūtaekurī (Whole Catchment)</td><td>2043</td><td>2058</td></tr>
<tr><td>2025</td><td>Ngaruroro (Whole Catchment)</td><td>2040</td><td>2055</td></tr>
<tr><td>2019</td><td rowspan="2">Ahuriri</td><td>2039</td><td>2059?</td></tr>
<tr><td>+ 2028</td><td>2043</td><td>2059?</td></tr>
</table>
</td><td></td><td></td></tr>
<tr><td>13
1</td><td>Schedule 35</td><td>
Source Protection for Drinking Water Supplies
Refer to Policies 6 - -8 and Rules TANK 2-23 and RRMP Rules 1 – 4, 12 -15, 37, 62, 62B. The location and details of groundwater wells (including water infiltration galleries) and surface water intakes used as the source of a Registered Drinking Water Supply can be found on the Registered Drinking Water Supply Protection Zone map layers on the HBRC website.

Source Protection Zones
Existing Registered Drinking Water Supplies that provide drinking water to no fewer than 501 people for not less than 60 days per year will have provisional Source Protection Zones determined according to the provisions of Table 1 until the relevant resource consent requires replacement or until an application for resource consent to amend a Source Protection Zone is made. The maps showing the spatial extent of these areas are shown below

Table 1: Method for calculating provisional SPZ
<table>
<tr><th>Registered Drinking Water supply</th><th>Method for calculating SPZ</th></tr>
<tr><td>Hastings District Council Municipal Supply</td><td>Hawkes Bay Regional Council Heretaunga Plains Groundwater Model</td></tr>
<tr><td>Napier City Council Municipal Supply</td><td>Analytical Element Model meeting artesian head criterion</td></tr>
</table>
Where the holder of a water permit for an existing Registered Drinking Water Supply considers the Source Protection Zone is not adequate for the level of protection required for that supply or where new information significantly amends the modelling output, an application may be made to amend the resource consent conditions of the water permit and establish an amended Source Protection Zone
The dimensions of a Source Protection Zone shall form part of any application for resource consent to take or use water for a new Registered Drinking Water Supply or the replacement of an existing permit for that purpose.
The location of a Source Protection Zone around a Registered Drinking Water Supply are to be determined using site specific information listed in Table 2 below and according to the minimum requirements for the relevant population in Table 3
</td><td>
That Schedule 35 be amended so that:

Provisions for drinking water source protection be amended to recognise that the risk of contamination of drinking water supplies is not uniform across the entire area of each provisional Water Source Protection Zone, and that factors such as:

the distance/proximity of other land use activities to each drinking water supply abstraction point; and
specific characteristics of various potential contaminant pathways entering the source water may reduce contaminants in source water (such as subsoil nitrification and denitrification processes) that,

can reduce the level of risk of contamination of source water.

And that the associated maps for provisional source water protection zones be re-drawn accordingly.

And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.
</td><td>
The provisional Water Source Protection Zones are interim protection zones that are rather blunt tools which have not been configured to recognise different levels of risk or pathways of source water contamination.

These provisional source water protection mechanisms need further refinement so that other water resource users or landowners within such areas are not unduly restricted from carrying on day-to-day activities that rely on access to water, or ability to discharge to land, for their continued economic well-being, at least until more rigorously defined Drinking Water Source Protection Areas have been identified and introduced into the plan framework.
</td></tr>
</table>

	Name	Provision as notified	Relief sought	Reasons for relief
		Table 2: Site Specific Information Site Specific Information 1. the topography, geography and geology of the site; 2. the depth of the well; 3. the construction of the well; 4. pumping rates; 5. the type of aquifer; 6. the rate of flow in the surface waterbody; 7. the types of actual or potential contaminants; 8. the level of treatment that the abstracted water will receive; 9. any potential risk to water quality **Table 3: Methodology for Determining Source Protection**		

	Name	Provision as notified	Relief sought	Reasons for relief

Population served class	Microbial Treatment?	Meets Artesian Head criterion	Method	Uncertainty assessment approach
25 – 100	Yes	Yes or No	Manual	None
	No	Yes	Manual	None
	No	No	Manual	Sensitivity analysis
100-500	Yes	Yes	Manual	None
	Yes	No	Manual	Sensitivity analysis
	No	Yes	Manual	Sensitivity analysis
	No	No	Analytical Element Model	Sensitivity analysis
501-5,000	Yes	Yes	Manual	Sensitivity analysis
	Yes	No	Analytical Element Model	Sensitivity analysis
	No	Yes	Analytical Element Model	Sensitivity analysis
	No	No	Analytical Element Model	Stochastic Uncertainty Analysis
>5000	Yes	Yes	Analytical Element Model	Stochastic Uncertainty Analysis
	Yes	No	Numerical Model	Sensitivity analysis
	No	Yes	Numerical Model	Sensitivity analysis
	No	No	Numerical Model	Stochastic Uncertainty Analysis

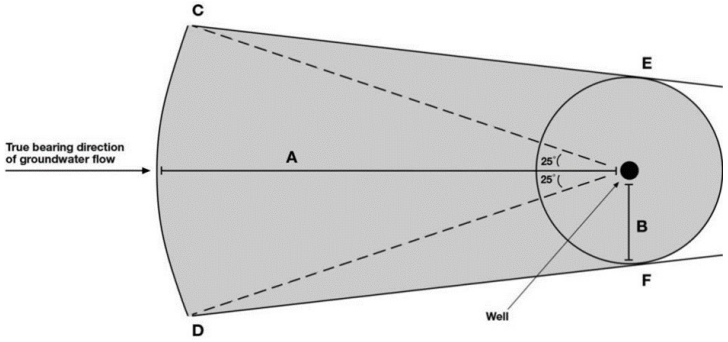
Source Protection Extent

Method for calculating the area of a provisional Registered Drinking Water Supply Protection Extent.

Existing groundwater Registered Drinking Water Supplies that provide drinking water to between 25 and 500 people for not less than 60 days per year will be protected for the distances specified in Figure 1 and Table 4 below. This provisional protection extent applies until the relevant resource consent requires replacement or until an application to amend the protection extent is made in accordance with the requirements of Tables 2 and 3.

	Name	Provision as notified	Relief sought	Reasons for relief

Figure 1 Method for calculating the area of a provisional registered drinking water supply extent



The area of the source protection extent is determined by selecting from the Table 4 below depending on the screen depth (or well depth if no screen depth is recorded) and aquifer type.

Table 4; Provisional Protection Extent

Screen Depth (or well depth if no screen depth is recorded	Aquifer Type	Protection Distances (m)	
		Up-gradient from bore (A)	Radius around bore
<10m	All	2,000	200
10 - <30 m	Unconfined or semi- confined	1,000	200
	Confined	100	100
30 – 70 m	Unconfined or semi- confined	500	200
	Confined	100	100
>70 m	Unconfined or semi- confined	100	100
	Confined	100	100

Public Information

All existing and new Registered Drinking Water Supplies and their source protection zones or extent will be added to the Registered Drinking Water Supply Source Protection map layers on Hawkes Bay Regional Council GIS mapping website

	Name	Provision as notified	Relief sought	Reasons for relief
132	**Schedule 36**	**Heretaunga Plains Stream Flow Maintenance And Habitat Enhancement Scheme** The TANK Plan provides for a Water User Collective to work collectively by or on behalf of permit holders to meet local water quality, quantity and environmental objectives for streams affected by stream depletion. Alternatively, water permit holders would be subject to cease take requirements when relevant trigger flows in affected streams are reached. A Water User Collective will manage stream flow depletion from applicable permits for streams affected by stream depletion. A permit may have stream depletion effects on more than one stream, and will be required to manage stream depletion through a Water User Collective based on the total stream depletion amount. Heretaunga Plains Water Management Unit requirements for stream flow maintenance and habitat enhancement will be imposed through conditions of a water permit as specified in Rule TANK 8. The transfer and discharge of water required to operate such a scheme is subject to Rule TANK 18. This schedule sets out the requirements for the establishment of a Water User Collective and it operation and management in order for it to be enabled under Rule TANK 18. Note; Where appropriate, the requirements of this Schedule can be combined with those of Schedule 30 in order that wider water quality issues can also be met through this collective approach. A TANK Water User Collective must prepare a Project Plan that meets the requirements set out below. This project plan must identify the key water quality and water quantity management issues identified in this (TANK) Plan that are relevant to: • The affected streams and any applicable trigger flows for management • The extent and duration of stream flow pumping • The management of riparian land to improve ecosystem health, including by reduction of macrophytes growth • The water quality state, especially in relation to oxygen and temperature A summary of the (TANK) Plan objectives and outputs will be made publicly available through the Council website. **Section A: Plan Development** Mana Whenua 1. The development of a flow maintenance and habitat enhancement scheme must consider the views of mana whenua in relation to; a) scheme design elements aimed at improving ecological health of affected waterbodies; b) opportunities to provide improved public access to affected waterways; c) the collection of baseline information, and monitoring water quality and quantity.	**That Schedule 36 be amended as follows:** **That the Schedule be re-written so that Catchment Collective participation in Heretaunga Plains Stream Flow Maintenance and/or Habitat Enhancement schemes is voluntary for those collectives that choose to participate through application for resource consent under Rule TANK 18.** **And any consequential amendments needed to give effect to the above relief or to otherwise satisfy our concerns.**	Amendments are needed to this Schedule to fit better with the intent of Stream Flow Maintenance or Habitat Enhancement Schemes established under Rule TANK 18. The purpose of such schemes should be intended as an incentive for Catchment Collectives to gain additional advantage in relation to water takes and/or discharges managed by Collectives who choose to participate. (Nevertheless, there should be clear processes to manage handover or cessation of any such schemes should the need arise. These would primarily be managed through review or cancellation of consent conditions or consents granted under Rule TANK 18)

	Name	Provision as notified	Relief sought	Reasons for relief
		Section B: Plan Requirements Governance and Management 2. Each TANK Water User Collective must undertake to carry out the requirements of Sections B and C and must specify in writing the manner in which it will carry this out. This must address details relating to the governance and management arrangements of the Plan including; a) How decisions are to be made and how the requirements of Sections B and C will be carried out including obligations by members to carry out the property specific requirements. b) Conditions of membership of the Collective by individual water permit holders (or the person giving effect to the permit), including the circumstances and terms of membership, sanctions or removal from the Collective including in relation to unreasonable non-performance of actions identified in clause 2 below. c) The process for assessing water or habitat enhancement contributions at an individual property level compared to combined collective actions and responsibilities for managing stream flow triggers and habitat enhancement. Note 1: the Collective may prepare its own terms of reference as well as manage their own decision making processes and administration. This may include appointing a spokesperson or secretary to ensure recording and reporting work is completed as necessary. Note 2: If a membership is lapsed, refused or discontinued, the Council will require the permit holder to comply with cease take conditions required under Rule TANK 8 3. Information and management systems and processes to ensure; d) Competent and consistent performance in meeting the requirements of this schedule a) Robust data management, including up-to-date registers of TANK Water User Collective Members. b) Timely provision of suitable quality data and information required through consent conditions and under the following clauses to Hawke's Bay Regional Council c) Conditions of membership of the Collective by individual permit holders or the person giving effect to the water permit (the 'Members') who commit to the Plan including provision of information to enable reporting requirements to be met. 4. A description of the Plan area including a) locations and maps, b) land uses, c) locations of: (i) rivers, streams		

	Name	Provision as notified	Relief sought	Reasons for relief
		(ii) drains (including subsurface drains), (iii) wetlands, springs d) property boundaries, e) up-to-date details about holders of permits subject to this programme and anyone with responsibility for compliance with permit conditions. **Section C: Requirements for Water User Collective Plan** This section sets out the requirements for each Water User Collective Plan 5. The Plan must include information as relevant about; a) The total stream flow depletion quantity in litres per second calculated using the Stream Depletion Calculator for each permit that is subject to this Collective. b) Locations of points of take where the flow depletion water will be taken for stream flow maintenance and how this is to be provided for within relevant water permit allocations c) Details about water storage solutions that will be used to maintain stream flows d) Locations of points of take where water is to be discharged for stream flow maintenance provided; (i) The length of stream to be affected by stream flow maintenance is maximised within the catchment subject to the trigger flow; (ii) The amount of water transferred and discharged, including the rate and total amount of the discharge and the length of time the scheme operates, is able to be separately metered or measured. (iii) The length of stream above flow discharge sites and any changes to their extent over time are recorded e) Drawdown and stream depletion effects of any water taken and discharged for stream flow maintenance where they may be different from drawdown effects that occur as a result of exercise the permit. f) Management (such as through rostering, ceasing pumping or other measures) of water takes subject to this scheme to reduce cumulative stream flow depletion effects g) Locations where riparian land can be managed to meet the outcomes specified in Policy 11 including; (i) Where riparian planting will provide shade that reduces macrophyte growth and water temperature (ii) re-construction of stream profile to provide both flooding and drainage as well as improved ecosystem habitat. h) Whether wetlands will be constructed to improve ecosystem health and hydrological functions including to meet the outcomes specified in Policies 14 and 15 i) Timeframes for when each of the actions or mitigations at a property or catchment scale are to be implemented and which are consistent with		

	Name	Provision as notified	Relief sought	Reasons for relief
		meeting the timeframes specified for relevant water quality objectives and milestones specified in the Plan j) Monitoring of ecosystem health, water quality and water quantity, including in relation to meeting objectives for dissolved oxygen and temperature in Schedule 26. 6. Approval 6.1 The Water User Collective Plan prepared subject to the requirements of this Schedule will be submitted in association with a water permit application as required by Rule TANK 18. In making decisions to approve this plan as part of the conditions of the water permit application the Council will take into account; a) whether the requirements of this Schedule are met b) whether the plan is consistent with the policies, water quality objectives and milestones that are relevant for the Water User Collective c) whether the Plan was appropriately informed by person(s) with the necessary professional qualifications to make assessments about the cumulative stream depletion effects and the effects of the pumping for stream flow maintenance including through the application of the Hawkes Bay Heretaunga Plains Groundwater Model and Stream Depletion Calculator d) whether the governance and management systems are in place to enable the implementation of the programme. 6.2 Where consent is not granted, and the requirement of Rule TANK 18 not able to be met, permit holders are then subject to Rule TANK 9 (f) 7. Information Requirements 7.1 The Water User Collective must prepare a statement of the data and information that will be collected in order to monitor implementation and report to Council. 7.2 Information will be required where appropriate about: a) changes to membership, including holders of water permits or anyone giving effect to the water permit; b) the results of any environmental monitoring carried out by the Collective including in relation to oxygen and temperature in streams being managed by this plan; c) water meter data to record the amount and duration of stream flow maintenance pumping d) the mitigation measures or practices carried out to enhance ecosystem habitat and water quality. that will be adopted by the property owners or managers and as detailed in clause 3.1; e) any other relevant information 8. Reporting and Review 8.1 A summary report on the implementation of the Plan shall be submitted		

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td>annually to the Hawke's Bay Regional Council or less frequently as determined by Council if all agreed mitigations have been completed, and water quantity and quality objectives are being met.
8.2 The report will be supplied in the format specified by Council.
8.3 The report will include;
a) information collected under clause 7, including an assessment of information in comparison with previous year's data;
b) any amendments to the programmed mitigation measures plus any changes made to them and reasons for them (including any adverse events such as severe weather, earthquakes etc);
c) issues or matters that require input or direction from the Council, including the management of activities outside the Water User Collective which may be adversely affecting the achievement of the of programme objectives, including identification of additional information/support from HBRC that would assist in the achievement of the objectives of the programme.
8.4 Every 5 years the annual report shall provide information about;
a) any trends in;
(i) the quality of water in the streams subject to the trigger flow
(ii) the state of ecosystem health
b) identification of opportunities for improvements to the programme</td><td></td><td></td></tr>
<tr><td>133</td><td>Amendments to 5.4 – Surface Water Quality</td><td><u>Insert</u> under heading;

<u>The provisions of Chapter 5.4 do not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.</u>
Table 8. Environmental Guidelines – Surface Water Quality Part II - Guidelines that Apply to Specific Catchments
<table>
<tr><th>Catchment Area</th><th>Faecal Coliforms (cfu/100 ml)</th><th>Suspended Solids (mg/l)</th></tr>
<tr><td>Aropaoanui River</td><td>200</td><td>50</td></tr>
<tr><td><s>Clive Rivers and tributaries</s></td><td><s>200</s></td><td><s>10</s></td></tr>
<tr><td>Esk River</td><td>200</td><td>50</td></tr>
<tr><td>Ikanui Stream</td><td>200</td><td>50</td></tr>
<tr><td>Kopuawhara Stream</td><td>200</td><td>50</td></tr>
<tr><td>Mangakuri Stream</td><td>200</td><td>50</td></tr>
<tr><td>Maraetotara River</td><td>200</td><td>50</td></tr>
</table></td><td>That proposed amendments to 5.4 – Surface Water Quality, be retained as notified.</td><td></td></tr>
</table>

<table>
<tr><th></th><th>Name</th><th>Provision as notified</th><th>Relief sought</th><th>Reasons for relief</th></tr>
<tr><td></td><td></td><td>
<table>
<tr><td>Mohaka River</td><td>50</td><td>10</td></tr>
<tr><td><s>Ngaruroro River upstream of Fernhill Bridge</s></td><td><s>50</s></td><td><s>10</s></td></tr>
<tr><td><s>Ngaruroro River between Fernhill Bridge and Expressway Bridge</s></td><td><s>100</s></td><td><s>25</s></td></tr>
<tr><td><s>Ngaruroro River downstream of the Expressway Bridge</s></td><td><s>150</s></td><td><s>25</s></td></tr>
<tr><td>Opoutama Stream</td><td>200</td><td>50</td></tr>
<tr><td>Porangahau River</td><td>200</td><td>50</td></tr>
<tr><td>Puhokio Stream</td><td>200</td><td>50</td></tr>
<tr><td>Taharua Stream</td><td>50</td><td>10</td></tr>
<tr><td><s>Tutaekuri River upstream of Redclyffe Bridge</s></td><td><s>50</s></td><td><s>10</s></td></tr>
<tr><td><s>Tutaekuri River between Redclyffe Bridge and SH50</s></td><td><s>100</s></td><td><s>25</s></td></tr>
<tr><td><s>Tutaekuri River downstream of the Expressway Bridge</s></td><td><s>150</s></td><td><s>25</s></td></tr>
<tr><td>Waingonoro Stream</td><td>200</td><td>50</td></tr>
<tr><td>Waipatiki Stream</td><td>200</td><td>50</td></tr>
<tr><td>Waipuka Stream</td><td>200</td><td>50</td></tr>
<tr><td>Wairoa River and tributaries upstream of Frasertown</td><td>100</td><td>25</td></tr>
<tr><td>Wairoa River at and downstream of Frasertown</td><td>200</td><td>25</td></tr>
</table>

POL 72A DISCHARGE PERMITS – Matters for consideration in catchments other than the Tukituki River catchment <u>and the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments</u>
…</td><td></td><td></td></tr>
<tr><td>134</td><td>Amendments to 5.5 – Surface Water Quantity</td><td><u>Insert</u> under heading;

<u>The provisions of Chapter 5.5 do not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.</u>
…/
Table 9. Minimum Flow and Allocatable Volumes for Specified Rivers</td><td>That proposed amendments to 5.5 – Surface Water Quality, be retained as notified.</td><td></td></tr>
</table>

	Name	Provision as notified					Relief sought	Reasons for relief
		River name	Minimum Flow Site Name	Minimum Flow (l/s)	Allocatable Volume (m^3/week)	Map Reference		
		~~Awanui Stream~~	~~At The Flume~~	~~120~~	~~0~~	~~V21:357613~~		
		~~Awanui Stream~~	~~At Paki Paki Culvert~~	~~35~~	~~0~~	~~V21:351608~~		
		Esk River	At Shingle Works	1,400	355,018	V20:432945		
		Esk River	At SH2	1,000		V20:438939		
		~~Irongate Stream~~	~~At Clarks Weir~~	~~100~~	~~0~~	~~V21:367666~~		
		~~Karamū River~~	~~At Floodgates~~	~~1,100~~	~~18,023~~	~~V21:427708~~		
		~~Karewarewa River~~	~~At Turamoe Road~~	~~75~~	-	~~V21:341622~~		
		~~Louisa Stream~~	~~At Te Aute Road~~	~~30~~	~~0~~	~~V21:410625~~		
		~~Mangateretere Stream~~	~~At Napier Road~~	~~100~~	~~0~~	~~V21:438659~~		
		~~Maraekakaho River~~	~~At Taits Road~~	~~100~~	~~5,443~~	~~V21:170668~~		
		~~Maraetotara River~~	~~At Te Awanga Bridge~~	~~220~~	~~30,971~~	~~W21:520661~~		
		~~Ngaruroro River~~	~~At Fernhill Bridge~~	~~2,400~~	~~956,189~~	~~V21:330729~~		
		Nuhaka River	At Valley Road	80	41,731	X19:225329		
		~~Ongaru Drain~~	~~Wenley Road~~	~~5~~	~~0~~	~~V21:234653~~		
		Pouhokio Stream	At Allens Bridge	80	-	V22:498441		
		~~Poukawa Inflow~~	~~Site No. 1 (d/s dam)~~	~~10~~	~~0~~	~~V22:282504~~		
		~~Poukawa Inflow~~	~~Site No. 1a (u/s dam)~~	~~10~~	~~0~~	~~V22:285502~~		
		~~Poukawa Inflow~~	~~Site No. 6~~	~~3~~	~~0~~	~~V22:266478~~		
		~~Poukawa Stream~~	~~At Douglas Road~~	~~20~~	~~0~~	~~V22:298533~~		

	Name	Provision as notified					Relief sought	Reasons for relief
		~~**Raupare Stream**~~	~~**At Ormond Road**~~	~~**300**~~	~~**83,844**~~	~~**V21:398713**~~		
		Te Waikaha Stream	At Mutiny Road	25	-	V22:361572		
		Trib. of Kauhauroa Stream	(Taylors)	5	0	X19:970397		
		~~**Tutaekuri River**~~	~~**At Puketapu**~~	~~**2,000**~~	~~**928,972**~~	~~**V21:357812**~~		
		~~**Tutaekuri-Waimate**~~	~~**At Goods Bridge**~~	~~**1,200**~~	~~**367,114**~~	~~**V21:384751**~~		
		Waimaunu Stream	At Duncans	10	15,304	X19:229300		
135	Amendments to 5.6 – Groundwater Quality	**Insert** after Heading **<u>The provisions of Chapter 5.6 do not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments</u>** … **POL 75 ENVIRONMENTAL GUIDELINES - GROUNDWATER QUALITY** 1. Other than in the productive aquifer systems in the Tukituki River catchment **<u>and the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments</u>** , t~~T~~o manage the effects of activities affecting the quality of groundwater in accordance with the environmental guidelines set out in Table 10. **Table 10. Environmental Guidelines – Groundwater Quality** ~~**CONFINED, PRODUCTIVE AQUIFERS IN THE HERETAUNGA PLAINS AQUIFER SYSTEM (as shown in Schedule IV)**~~ **1. No degradation** — There should be no degradation of existing water quality. ~~**OTHER**~~ **PRODUCTIVE AQUIFERS**					**That proposed amendments to 5.6 –Groundwater Quality, be retained as notified.**	

	Name	Provision as notified	Relief sought	Reasons for relief
		1. **Human consumption**: The quality of groundwater should meet the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995) without treatment, or after treatment where this is necessary because of the natural water quality. 2. **Irrigation**: The quality of groundwater should meet the guidelines for irrigation water contained in the "Australian Water Quality Guidelines for Fresh and Marine Waters" (Australian and New Zealand Environment and Conservation Council, 1998) without treatment, or after filtration where this is necessary because of the natural water quality. **POL 76A Discharge Permits – Matters for consideration in catchments other than the Tukituki River catchment and the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments…**		
136	**Amendments to 5.7 – Groundwater Quantity**	**Insert after the heading** **The provisions of Chapter 5.7 do not apply within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River catchments** **POL 78A Water Permits – Matters for consideration in catchments other than the Tukituki River catchment and the Tūtaekurī, Ahuriri, Ngaruroro and Karamū River Catchments…**	**That proposed amendments to 5.6 –Groundwater Quantity, be retained as notified.**	

To: Hawke's Bay Regional Council
C/- etank@hbrc.govt.nz

13 August 2020

This is a submission on the following Proposed Plan Change to the Hawke's Bay Regional Resource Management Plan Change 9 – Tutaekuri, Ahuriri, Ngaruroro and Karamu Catchments.

I could not gain an advantage in trade competition in making this submission.

✓ I do wish to be heard in support of my submission.

Introduction & History
My name is Julian Odering. I am a Director of Oderings Nurseries (ChCh) Ltd.

This submission relates to our 6.25ha nursery at 167 Gimblett Road, Roys Hill.

The Hawke's Bay
The Hawke's Bay was identified in the 1990's as an ideal place to set up a production nursery from our first North Island site in Palmerston North for these reasons:

i) It was already enveloped in extensive horticulture which offered an experienced pool of knowledgeable people for employment.
ii) It has excellent land for growing bare rooted trees such as specimen and fruit trees.
iii) The Bay has ideal sunlight hours and a temperate climate, reducing the need for spraying fungicides for disease with a faster crop turnaround.
iv) Being more central North Island, the Bay offers cheaper freight rates to ship product north and south leading to fuel efficiency thus a lower carbon footprint.

This site was purchased in mid 2018 and has had greenhouses built on (from our two former nurseries at 55 Brookvale Road, Havelock North, and 11 Allen Street, Pakawhai) where we now grow herbs, perennials, annuals, vegetable plants, trees and shrubs. When purchased,this whole site was a fully planted vineyard. When existing vines are cleared a 7,500m^2 greenhouse with an opening roof is proposed to be erected. This will be the "finish" of the Stage 3 development.

Much of the product grown here is of an edible nature to support our North Island retails. The nursery employs 31 people 40 hours per week due to the scope of the nursery. Part of our land use consent states we must collect water from many of our greenhouses to drain into our 2.5million litre reservoir on the north east boundary. From there, water is pumped to irrigation outlets or hand watered over container grown pots or punnets. Excess water drains through the gravels.

Contamination Issues
Plants grown on this site are grown in a pH adjusted soil-less media. The fertiliser that is incorporated in the media is a controlled release fertiliser in the shape of a prill with a coat surrounding it. The N.P.K. + TEs inside are dissolved when the prill imbibes water and swells thus releasing the plant food through the pores of the prill,releasing to the plants.

When the plant is growing optimally at 20° the prills release at the desired amount, when in cold weather the prills close up thus not providing food when plants are dormant. Therefore plant food is not leached into the ground when not required by the plants. Therefore no fertigation is used in production of horticulture crops on site.

Spraying
This company has made a conscientious effort to move away from harmful organophosphates to more people-friendly insecticides and fungicides. The result is a lesser re-entry period and withholding period for edible crops. Largely we use preventative sprays such as copper as copper is cheap and very effective against a wide range of bacterial and fungal diseases and also better on the environment.

Irrigation – Water Usage
Currently we us moisture probes in our shrub beds to monitor the watering regime coupled with hand watering. Our intention is to eventually use whisker or dripper irrigation in the near future. Because of the wide range of container grown trees and shrubs it generally requires a higher water usage then vineyards.

Consent Legal Description – Lot 1, DP 22164, Block XIV Heretaunga
Currently we have a resource consent – Bore No. 3881
Granted expiring 31st May 2019 and lapsing with accordance with S125 on 31st May 2004.

We have applied for another consent that is caught up in the Tank Plan Hearings. This current consent is for a take of four litres per second, 1350m^3 over any seven day period.
The reservoir offers a buffer in case of an unforeseen lack of water.

Plan Change 9 Tank could affect our business. As our nursery build is not completed we seek an extended volume of water take to ensure all horticultural container crops have sufficient water – see Appendix A – Proposed Greenhouse.

Please refer to attached for a summary of my submission.

- I generally support the overall framework of Plan Change 9, to the degree that it reflects a staged approach to improving the management of the TANK Catchments freshwater resources.
- Horticulture is critically important to the future sustainability of the TANK Catchments, and there are some changes required to the proposed plan to ensure that sufficient water is available to provide for that. The value of horticulture and its role in providing for domestic food supply and security, and the ability to feed people in the future is not currently reflected in the proposed Plan Change 9.
- The real freshwater improvements come from the practices I adopt to manage discharges from land I manage (in some cases only temporarily), and my water use. I support requiring all growers to operate at good management practice.
- I also support the ability for a group of landowners to be able to manage environmental issues collectively to improve the effectiveness of the response to water issues. I consider Plan Change 9 should better enable collective approaches to water and nutrient management by reducing the level of detail and specificity in the plan, as every collective grouping will be slightly different and work in a slightly different way, and it is important that this is enabled.
- Where this submission aligns with that of Horticulture New Zealand's submission, I support that submission.
- I oppose the provisions set out in the table below as currently drafted, and seek the amendments set out in the table. I also note that there are likely to be consequential amendments arising from these that may affect the whole plan.

The specific provisions of the proposal that my submission relates to are:

Provisions & general description of issue	Amendments sought
Policy 36, 37, 46, 52, TANK 9, TANK 10, TANK 11, Schedule 31 and the Glossary Replacement of water permits based on actual and reasonable use	Definition of 'actual and reasonable' is amended to just refer to 'reasonable' and in relation to applications to take and use water is the lesser of: a) the quantity specified on the permit due for renewal or any lesser amount applied for; or b) for irrigation takes, the quantity required to meet the modelled crop water demand for the irrigated area with an efficiency of application of no less than 80% as specified by the IRRICALC water demand model (if it is available for the crop and otherwise an equivalent method) and to a 95% reliability of supply. Everywhere that the term 'actual and reasonable' is currently used, it is amended to refer to 'reasonable'.
Policy 54, 55, 56, 57, TANK 13, TANK 14, TANK 15 and Schedule 32 High flow takes and storage	The allocation limit for high flow takes should be revisited. I understand that the TANK collaborative group did not reach a consensus position on the allocation limit and I believe that more water should be made available, as the high flow water currently provides the only means of obtaining new water which will be critical to provide for the future of horticulture – whether that be irrigation of new land, or more water to irrigate existing or new types of crops, and also for use in stream flow maintenance and augmentation schemes. High flow allocations should also be specified for the Karamu, and Ahuriri Catchments (if storage is physically feasible within the Ahuriri Catchment).
Policy 51, 52, TANK 7 and TANK 8 Availability of water for survival of permanent horticultural crops	A specific exemption should be provided in TANK 7 and 8 to allow up to 20m^3 to continue to be taken per day to assist the survival of permanent horticultural crops.
Policy 48, 52, RRMP 61, RRMP 62, RRMP62a, RRMP62b Transfers of water permits	Transfers of all water permits that have been exercised should be enabled.
Policy 37 and 38 Restriction on re-allocation of water	The re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body should be enabled (ie. can be re-allocated before a review of the relevant allocation limits in the plan is undertaken) where it is to be used for primary production purposes (and would be allocated in accordance with proposed definition of 'reasonable' outlined above), or used for a stream flow maintenance and augmentation scheme. Water should also be able to be re-allocated to any applicant – not restricted to existing water permit holders (as at 2020).
Policy 37, 39, 40, 41, TANK 18 and Schedule 36 Stream flow maintenance and augmentation schemes	Schemes should be developed by the regional council in a progressive manner based on when water permits expire, in an equitable manner over a reasonable timeframe that apportions the cost equally and concomitantly across all takes affecting groundwater levels rather than relying on consent applicants to develop schemes, as they don't have the resources or arguably much of the information to do so. Amendments are also required to ensure that flow maintenance requirements only apply to lowland streams where it is feasible, and the presumption should be removed that the mainstem of the Ngaruroro River will be augmented in whole or in part. The requirement to augment the Ngaruroro was not a consensus position of the TANK collaborative group. The position that the group reached was that augmentation should be investigated and I believe amendments should be made to reflect that.

Policy 17, 18, 19, 23, 24, TANK 1, TANK 2, Schedule 28, Schedule 30 and the Glossary Industry programmes and landowner collectives	Amend all provisions that relate to industry schemes to better align requirements with existing and established industry programmes such as GAP schemes.
Policy 21, TANK 5, TANK 6, Schedule 26, Schedule 28 and Schedule 29 Land use change and nutrient loss	A definition of what a change to production land use is needs to be provided to clarify what the provisions actually relate to. I also believe that management of nutrients needs to be done at the collective level, because that will enable some land use change to occur, because it could be offset within the collective. Some changes in land must be enabled to allow the horticultural sector in the TANK Catchments to remain sustainable.

Signature of submitter: 

Date: 13/8/20

Electronic address for service: Julian@oderings.co.nz

Contact phone number: 021 582 882

Postal address: PO Box 33-125 8244

Contact person (if submission on behalf of a business or organisation):

Julian Russell Odering (Director)

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SITE DETAILS - HDC	
LEGAL DESCRIPTION	
Lot:	Lot 1
DP:	DP 22164 BLK XIV HERETAUNGA SD
Area :	6.2580 ha
DISTRICT PLAN RULES	
Planning Zone -	Plains
Activity -	Industrial
Activity Statuii -	Permitted
Front Yard -	15m
Other Yards -	15m
Maximum Height -	15m
Max. Site Coverage	= 2,500 m²
Net Site Area	= 62,580 m²
Max. Coverage	= 2,500 m²
Gross Roof Area	= 3839.04 m²

APPROVED - Site Copy
Hastings District Council
5/03/2019

Proposed Greenhouse Stage 3.

FUTURE GREENHOUSE 6

existing septic tank

existing water bore

existing power meter and fuse board

OFFICE

TOILETS

STAFF ROOM

EXISTING SOIL SHED 2

EXISTING SOIL SHED 1

EXISTING PRODUCTION SHED

PROPOSED 40' CONTAINER STORAGE

EXISTING GREENHOUSE 3

EXISTING GREENHOUSE 1a

EXISTING GREENHOUSE 2b

EXISTING GREENHOUSE 2b

15.0m council boundary offset

368.77m, 123° 35' 20"

210.17m, 45° 8' 0"

357.42m, 137° 26' 0"

4,000 12,000 300 29,100 4,057 30,000

4,000 15,500 19,600 4,900

89,410 11,500 road&kerb 21,050 39,250

Completed

SITE PLAN - STAGE 2

Scale 1:500

CREATEUS GROUP
(06) 651 1561 || www.createusgroup.co.nz

Client: Oderings

Project: Nursery Relocation
167 Gimblett Road, Hastings

Drawing: SITE PLAN

Attachment 1

Rev	Date	Issue	CH'd	Change
d	21/03/2019	Building Consent Rev	3	Items Removed
c	19/12/2018	Building Consent Issue		
b	19/12/2018	Structural Review Issue		
a	29/11/2018	Preliminary Issue		

Designer: AW	Job No.: 18-125
Drawn: PM	Sheet No.: 102
Printed Date: 21/03/2019	Issue Type: BC
	Sheet Revision

TO

HAWKES BAY REGIONAL COUNCIL

SUBMISSION ON

Proposed Plan Change 9 (PC9) Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments

BY
Beef + Lamb New Zealand Ltd

SUBMISSION TO HAWKES BAY REGIONAL COUNCIL ON THE PROPOSED PLAN CHANGE 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments

Submission on public notified proposal for policy statement of plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Hawkes Bay Regional Council

Email: etank@hbrc.govt.nz

Name of submitter: Beef + Lamb New Zealand Ltd

Contact person: Lilly Lawson - Environment Policy Analyst

Address for service: Lilly Lawson

Level 4, Wellington Chambers, 154 Featherston St, Wellington 6011
PO Box 121, Wellington 6140

Beef + Lamb New Zealand Limited could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Beef + Lamb NZ Ltd submission relates to and the decisions it seeks from Council are as detailed on the following pages. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the Plan or restricting of the Plan, or parts thereof, to give effect to the relief sought.

Beef + Lamb New Zealand Ltd wishes to be heard in support of its submission, and will consider presenting a joint case at hearing with others presenting similar submissions.

Submission

A. Introduction

1. Beef + Lamb New Zealand Ltd (B+LNZ) welcomes the opportunity to make a submission on Hawkes Bay Regional Council's Proposed Plan Change 9 – TANK.

2. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy paid by producers on all cattle and sheep slaughtered in New Zealand. Its mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.

3. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector, and in building famer specific capability and capacity in these areas to ensure that the industry supports an ethos of environmental stewardship, together with a vibrant, resilient, and profitable sector. Maintaining and where degraded enhancing the health of freshwater, aquatic habitats, and biodiversity across the region is important to the people of the Hawkes Bay Region, it is important for our economy, and it is important to farmers.

4. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively on environmental initiatives of mutual interest and benefit for the people of the Hawkes Bay region and farmers.

5. B+LNZ has, through its Environment Strategy, committed to leading the sector towards its vision of sheep and beef farms in ensuring that land use is closely matched to soil potential and capacity, where farmers are working to improve soil health, carbon content and productivity, while minimising soil loss.

Figure 1: B+LNZ Environment Strategy

6. Since 1990 sheep numbers have reduced by over 50%, while the volumes of production are just 8% less. This has been achieved through a range of improvements, termed eco efficiency gains, including improved genetics and breeding, feed management, reproductive rates, and increased individual animal size. Beef cattle numbers likewise have reduced by around 20% since 1990.

7. These reductions in capital stock while improving productivity have resulted in not only improvements in environmental performance such as 21% reduction in nitrate leaching per kg saleable product but have been accomplish while the sector has increased its exports by 83% to over $9billion.

8. In relation to Nitrogen (N) emissions, annual N leaching from Sheep/Beef has reduced from 113 million kg/yr in1990 down to 68 million kg/yr in 2017 (a 40% reduction). At the same time for intensive farming systems the annual N leached ahs significantly increased from 73 million kg/yr I 1990 up to 130 million kg/yr in 2017 (a 78% increase).

9. At the management scale such as catchment or sub catchment, those that operate extensive farming systems or sheep and beef do not have a Nitrogen issue in that environmental bottom lines are met, or the catchment is in a healthier state than this.

10. The sheep and beef sector take an integrated and holistic view to the sustainable management of natural resources. The sector is actively seeking solutions that enable and empower multiple benefits across new Zealand's range of natural assets including biodiversity, aquatic ecosystem health, soils, climate, and healthy vibrant communities.

11. B+L NZ is actively building our work programme throughout the region to support the integrated and sustainable management of land and water resources. B+LNZ is:

    a. Working with farmers to develop Land Environment Plans (LEP) through levy funded workshops;
    b. Supporting farmer representatives to engage in the collaborative catchment plan development processes;
    c. Working with the regional council to ensure that management frameworks developed through Regional plans are fit for purpose, an enable flexibility in land use and management practices, while ensuring that environmental issues are addressed in a targeted, efficient and effective way;
    d. Developing and implementing science and extension programmes to help identify, prioritise and implement on farm actions that will make a difference to improving water quality, aquatic habitats, and biodiversity; and
    e. Working with farmer leaders throughout the region to support uptake of farm environment plans and to encourage and support the development of sub catchment approaches to managing water quality.

12. B+LNZ looks forward to continuing to build a positive and enduring relationship with the Council, and to work proactively no environmental initiatives of mutual interest and benefit for the people of the Hawkes Bay Region and farmers.

B. General Submission on Plan Change 9

B+LNZ is generally supportive of proposed Plan Change 9 (PC9) but requires amendments.

Reasons for the submission

1. B+LNZ's position is that this Regional Plan needs to give effect to the Resource Management Act 1991 (RMA), and is therefore required to, inter alia:
   i. Include objectives which are the most appropriate way to achieve the purpose of the Act.
   ii. Include policies to implement the Objectives, and Rules (which may also include methods) which implement the policies, such that the Objectives of the Plan are achieved;
   iii. Give effect to the Operative Regional policy Statement (RPS); and
   iv. Give effect to the national Policy Statement Freshwater management (NPSFWM 2014, 2017, 2020).

2. B+LNZ support the purpose of Plan change 9 to give effect to the Hawkes Bay Regional Council Policy Statement as well as the National Policy Statement for Freshwater Management. B+LNZ recognise that this requires Council to identify values, and establish methods, including limits, to ensure those objectives are met.

3. B+LNZ support the community-based collaborative approach process used by HBRC to develop a more integrated and collaborative approach to managing freshwater.

4. Accordingly, B+LNZ support provisions (Obj TANK 1 & 2) which recognise that successful environment outcomes for freshwater ecological health require landowner and community support and leadership. B+LNZ ask for these to be retained as proposed.

5. In order to implement Obj TANK 1 & 2 and reflect the collaborative way in which PC9 has been developed, policies also need to recognise that people are critical to maintaining and enhancing freshwater ecological health and acknowledge the importance of respecting and fostering the contribution of landowners as custodians and Kaitiaki to these catchments. As proposed, B+LNZ do not consider this to be adequately provided for and therefore seek that policies are amended or new ones included to more explicitly enable catchment collective and bespoke farm planning approaches to land and freshwater management as a priority.

6. B+LNZ support provisions (Policies 23, 24, 25) which recognise farmers and communities' contributions to achieving environmental outcomes and give landowners the opportunity to continue to grow and develop 'ground up' approaches both individually and collectively. B+LNZ ask for these to be retained as proposed.

7. Additionally, B+LNZ is supportive of provisions which provide a Permitted Activity pathway for the use of productive land (TANK 1) and which simultaneously incentivise farmers to develop a Farm Plan or be part of a Catchment Collective. However, B+LNZ require Schedule 30 to be amended to allow landowners or managers to prepare their own Farm Plans in order to implement Obj 1 & 2 and meet Policies 5.10.3 by enabling true 'ground up' landowner and community lead conservation actions. B+LNZ's experience with Farm Environment Plan workshops has demonstrated that the most effective Farm Plans are those that farmers develop themselves, in recognition that they have the most comprehensive understanding of their land and farming systems and therefore add the most value to developing the tool to achieve environmental outcomes. B+LNZ position is that 'live' Farm Plans 'owned' by Farmers are more effective than one prescribed by someone else, irrespective of their qualifications.

8. B+LNZ supports objectives to increase riparian planting and the sustainable management of wetlands (Obj TANK 15) and seek that these provisions are implemented through non-regulatory rather than regulatory methods. B+LNZ support the intent of Policy 13 and 15 but require more information and clarity as to how Council intends to facilitate meeting the targets specified i.e. funding assistance and support. In doing so, this ensures the objectives and policies are both effective and practicable when implemented.

9. B+LNZ seeks to ensure that stock water is appropriately provided for and is considered a priority take in provisions which relate to water takes and management. The continuous provision of water is critical to animal welfare and B+LNZ consider stock water should be provided for as a priority take above other non-essential takes. B+LNZ require Obj TANK 16, 17 and 18, associated policies relating to water quantity and rules 6.10.2 to be revised to adequately provide for stock drinking water as a priority and so as to reflect the economic Tank Values as shown in Figure 1; community values and attributes for water management and to give effect to RMA Section 14.3(b) *Restriction Relating to Water*.

10. In this light, B+LNZ seek that in formulating freshwater objectives and limits, the economic wellbeing, including productive economic opportunities, are provided for within the context of environmental objectives, attribute, and limits.

11. B+LNZ supports Objectives which seek to manage land use in a manner that maintains freshwater objectives and improves the health of freshwater where objectives are not currently met. B+LNZ opposes the implementation of management frameworks which seek reduction in contaminant discharges irrespective of the relative impact that they may have on freshwater ecological health and associated values. Management frameworks should allow for flexibility, adaptation, and innovation in land uses and management, and ensure that any regulatory burden be commensurate to the relative environmental impact or risk from the activity.

12. B+LNZ support the intent of Policy 22 to avoid adverse effects on waterways caused by stock but require that the associated rules (Rule TANK 3) is clarified by defining the word 'bed' in relation to rivers, and the provisions be amended to better align with 360 Regulations for Stock Exclusion for Waterbodies.

13. B+LNZ strongly opposes management frameworks that include land use specific Nitrogen restrictions which unnecessarily limits land use change, constrains the ability of land users to respond to those changes and optimally utilise the land resource while placing unfair advantage on some land uses over others. B+LNZ therefore strongly opposes Schedule 29 Land Use Change Table 1: Nitrogen Losses for Production Land and requires this to be deleted and an alternative framework provided in accordance with that proposed in Section C, discussed below and with the principles for the allocation of nutrients attached in Appendix 1. B+LNZ require the current land use specific restrictions in Schedule 29 be replaced with a flat rate or natural capital approach to limits on nitrogen discharges.

14. B+LNZ notes that the Government has released the decision on the National Policy Statement for Freshwater Management 2020, effective 3 September 2020, and that this replaces the National Policy Statement for Freshwater Management 2014 (as amended in 2017).

15. In short, the relief sought by B+LNZ is as per the following:

    i. Amendment of Schedule 30 to enable Farm Plans to be prepared by Farm Managers and Owners.

    ii. Modify water quality objectives to relate to meeting the values for freshwater being met or maintained and not on improving water attributes.

    iii. Modified objectives, policies, rules and methods to appropriately provide for stock drinking water as a priority water take and productive economic opportunities within the context of environmental management.

iv. Modified objectives, policies, rules and methods to provide for the economic wellbeing, including productive economic opportunities, are provided for within the context of environmental objectives, attributes, and limits.

v. Amended stock exclusion policies, rules and methods to align with the national regulations.

vi. Modified objectives, policies, rules and methods applying to the management of nitrogen and in particular:

- That Schedule 29 is deleted.
- That an alternative nitrogen management method is included in accordance with this submission and with the principles for the management of nutrients contained in Appendix 1.

This relief is detailed in Section C.

C. Specific Submissions

16. The specific provisions of the proposal that this submission relates to and the decisions it seeks from council are as detailed in the following table. The outcomes sought and the wording used is a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the Plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

Part A

The specific provisions B+LNZ submission relates to are:	**B+LNZ submission is that:**		**The decision B+LNZ would like the Hawkes Bay Regional Council to make is:**
	SUPPORT/OPPOSE	**REASON**	**RELIEF SOUGHT**
Obj TANK 1 & 2	Support	B+LNZ support provisions which recognise that successful environment outcomes for freshwater ecological health require landowner and community support.	Retain as proposed.
Obj TANK – Water Quality	Support in Part – seek to amend	B+LNZ supports objectives to manage land use in a manner that maintains freshwater objectives and improves the health of freshwater where objectives are not currently met. B+LNZ opposes the implementation of management frameworks which seek reduction in contaminant discharges irrespective of the relative impact that they may have on freshwater ecological health and associated values.	Amend existing and include as required new objectives to give effect to the following intent: • Provide for a range and flexibility in land use while safeguarding the life-supporting capacity of air, water, soil and ecosystems; and giving effect to the NPS-FW. • Restrict the reach of objectives to the values of the NPS-FW, including ecosystem health, human contact, threatened species, Mahinga Kai and is developed in accordance with the concept of Te Mana o Te Wai.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	**REASON**	**RELIEF SOUGHT**
		B+LNZ seek that objectives are amended to relate to the values for freshwater being met or maintained and not on improving water attributes. Management frameworks should allow flexibility, adaptation and innovation and the regulatory burden should be commensurate to the relative environmental impact or risk.	• Amend the objectives so that reference to the management of water quality pertains to the achievement of the objectives such that water quality is improved where the objectives are not currently being met. • Otherwise water quality is maintained where the objectives are met. • Attribute state should be set to achieve the values including allowing for changes in current water quality where this will not impact on the values.
Obj TANK catchment objectives	Support with amendments	B+LNZ oppose objectives which do not manage freshwater so as to ensure associated values are met. By seeking to improve freshwater attributes, the intent of the objective is not driven by achievement of the end state which are the Catchment specific values associated with freshwater. As above, B+LNZ seek that catchment objectives are amended to relate to the values for freshwater being met or maintained and not on improving water attributes. This provides for flexibility, adaptation and innovation in the management of freshwater attributes while ensuring values can still be met and the regulatory burden is commensurate to the relative environment impact or risk.	Amend existing and include as required new objectives to give effect to the following intent: • Replace words 'improve' & 'enhanced' in the context of water quality and quantity with 'managed or where degraded enhanced' or words to that effect. • So as to achieve a shift in intent of objectives to be driven by the achievement of the end state values associated with freshwater. • Replace objectives which seek to 'enable' with objectives which seek to 'provide for'.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	**REASON**	**RELIEF SOUGHT**
		In a similar vein, B+LNZ believe the purpose of objectives should be so as to provide for matters listed (a) through to up to (g) rather than enable. This is more appropriate in the context of what the objectives.	
Obj TANK 15	Support in Part – seek to amend.	B+LNZ support objectives that seek to manage catchments to enable values to be met. In providing for social and cultural activities, freshwater objectives also need to provide for the economic wellbeing of communities in order to: • Give purpose to the RMA in providing for peoples and communities social, **economic** and cultural wellbeing while safeguarding the life-supporting capacity of air, water, soil and ecosystems; and • In doing so, also reflect the Economic TANK values as shown in Figure 1; community values and attributes.	Amend existing and include as required new objectives to give effect to the following intent: • Strengthen the requirements to provide for the economic wellbeing of people and communities; and • In formulating freshwater objectives and limits, the economic wellbeing, including productive economic opportunities are provided for in the context of environmental objectives, values and limits.
Obj TANK 16, 17 and 18 And associated policies and Rules.	Support in part – seek to amend.	B+LNZ support objectives and policies that seek to manage water quantity but require they are amended to ensure that stock water is appropriately provided for and is considered a priority take and to give effect to RMA provision 14.3(b).	Amend existing and include as required new objectives, policies and rules to give effect to the following intent: • Provide for stock drinking water as a priority (permitted activity) take;

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			• Establish take volumes (eg 70L per animal per day) which provide for animal health and wellbeing while promoting reasonable and efficient use of freshwater; • Enable these volumes to be taken as permitted activity; • Enable priority takes below minimum flows; or • Amend minimum flows to 1st limit takes for non priority uses; and • Enable priority takes to down to limits required to safeguard ecological health. .
New Objectives, Policies, and rules	Oppose	B+LNZ support objectives and policies that seek to manage water quantity but require they are amended to ensure that stock water is appropriately provided for and is considered a priority take and to give effect to RMA provision 14.3(b), and that takes are reasonable and efficient Include new or amend existing Objectives for Water quantity and allocation	Water quantity is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ensuring that: a) For surface water: i. minimum flows and allocation regimes are set for the purpose of maintaining or enhancing (where degraded) the existing life supporting capacity of rivers and their beds, and providing for communities' values for freshwater. These values include community wellbeing, cultural values, economic values, and existing use and investment; ii. in times of water shortage where limits are being approached or are breached, takes are restricted to those that are essential to the health or safety of people and communities, and drinking water for animals, and

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			other takes are progressively reduced; iii. the amount of water taken from waterbody does not compromise its existing life-supporting capacity or physical form and function;
5.10.2 Policies Surface Water and Groundwater Quality Management	Support in Part – Seek to amend.	B+LNZ supports the intent of the policies to recognize and provide for adaptive and collaborative approaches to nutrient and contaminant management but as proposed, B+LNZ do not consider the policies adequately enable catchment collectives or farmer led approaches to management, as a priority and to meet the Objectives TANK 1 & 2.	Amend existing and include as required new policies to give effect to the following intent: • More explicitly provide for the development and implementation of Farm Environment Plans, Catchment Collectives and Industry Programmes as the preferred approach to environmental management and recognise them as a priority to achieving freshwater targets and objectives.
Include new/ or amend existing Policies for Water quantity and allocation	Oppose	B+LNZ support policies that seek to manage water quantity but require they are amended to ensure that takes are reasonable and efficient and stock water is appropriately provided for and is considered a priority take and to give effect to RMA provision 14.3(b). Include new/ or amend existing Policies for Water quantity and allocation	*Water quantity is managed to ensure that the take and use of water is reasonable and justifiable for the intended use.* *The following specific measures for ensuring reasonable and justifiable use of water must be taken into account when establishing catchment plans and considering consent applications (as applicable) to take water for irrigation, stock drinking[3], public water supply, dairy shed washdown or industrial use, and during reviews of consent conditions for these activities.*

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			(a) For irrigation, resource consent applications must be required to meet a reasonable use test in relation to the maximum daily rate of abstraction, the irrigation return period and the seasonal or annual volume of the proposed take. When making decisions on the reasonableness of the rate and volume of take sought, the Regional Council must: *(i) consider land use, crop water use requirements, on-site physical factors such as soil water-holding capacity, and climatic factors such as rainfall variability and potential evapo-transpiration* *(ii) assess applications either on the basis of an irrigation application efficiency of 60%, or on the basis of a higher efficiency where an application is for an irrigation system with a higher efficiency* *(iii) link actual irrigation use to soil moisture measurements or daily soil moisture budgets in consent conditions.* *(b) For domestic use, animal drinking water and dairy shed washdown water, reasonable needs must be calculated where possible in accordance with good management practice for water efficiency*

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			for that particular use, climate, and stocking policies *(c) For industrial uses, water allocation must be calculated where possible in accordance with best management practices for water efficiency for that particular industry.* *(d) For public water supplies, the following must generally be considered to be reasonable:* *(i) an allocation of 300 litres per person per day for domestic needs as appropriate, plus* *(ii) an allocation for commercial use equal to an appropriate % of the total allocation for domestic needs, plus* *(iii) an allocation for industrial use calculated, where possible, in accordance with best management practices for water efficiency for that particular industry, plus* *(iv) an allocation necessary for hospitals, other facilities providing medical treatment, marae, schools or other education facilities, plus* *(v) an allocation necessary to cater for the reasonable needs of animals or agricultural uses that are supplied*

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			by the public water supply system, plus *(vi) an allocation necessary to cater for growth, where growth of the municipality is provided for in an operative plan for the area and is reasonably forecast* *e) When making decisions on consent applications where the existing allocation for a public water supply exceeds the allocation determined in accordance with (d)(i) to (d)(vi) above:* *(i) consideration must be given to imposing a timeframe within which it is reasonably practicable for the existing allocation to be reduced to the determined amount, or (ii) if (i) is not imposed, an alternative allocation must be determined based on the particular social and economic circumstances of the community serviced by the public water supply and the actual and potential effects of the abstraction on the community values for*

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			freshwater within the catchment.
Policies 5.10.3 Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges) Policy 17,18 & 19 Adaptive Approach to Nutrient and Contaminant Management 5.10.3 Policies Policy 21 Land Use Change and Nutrient Losses Schedule 29	Support in Part – seek to amend.	B+LNZ support the intent of Policies 5.10.3 to manage adverse effects from land use on water quality and those that recognise farmers and communities' contributions to achieving environmental outcomes and give landowners the opportunities to grow and develop ground up approaches both individually and collectively. B+LNZ support the intent of 5.10.3 Policies 17,18 and 19 to provide an adaptive approach to nutrient and contaminant management. To ensure the intent is not lost, management frameworks should be equitable across land uses and focused on environmental outcomes/effects and tailored to the catchment and specific to working towards achieving freshwater values. In doing so, policies should also provide for landowners themselves to adapt in response to change in circumstances while meeting freshwater objectives, targets and limits. B+LNZ oppose land use specific nitrogen restrictions.	Amend existing and include as required new provisions to give effect to the following intent: • Amend Policies/ rules so that management approaches are tailored to addressing water quality issues identified on a sub catchment basis, and where the responsibility of addressing the impacts is apportioned to those land uses which have caused or contributed to any over allocation, and where improvements required over time are appropriate to the level of impact. • Provide for flexibility in Nitrogen use and discharge where these will not exceed long term determined sub catchment determined loads. • Enable land uses which are leaching at or less than the 'sustainable level[1]' to continue and provide them with flexibility to change farm systems up to the 'sustainable level', as provided either through a flat per ha leaching rate or an approach based on natural capital (see appendix 1).

[1] sustainable level can be defined as either a kg liveweight per ha relative to land use capability (LUC) or nitrogen kg discharge rate per hectare (kgN/ha/yr) which achieves the desired instream nitrogen load.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
And associated Rules			• Enable changes in land use which occur within the sustainable level for the sub-catchment. • Enable land use activities including changes in land use where increases in contaminant discharges still enable sub catchment outcomes for quality to be met including the values. • That nitrogen loads are managed within (sub)catchments in such a way that there is an equitable allocation of total catchment nitrogen load to all users/activities who may wish to use the available resource. • B+LNZ seek that Table 1 in Schedule 29 is deleted and propose that a 'flat rate per hectare' permitted threshold is applied (e.g. 20 - 25kgN/ha/yr) irrespective of land use and land use change, or alternatively an approach based on natural capital (appendix 1). • Any Nitrogen risk threshold should be tailored to the catchment and specific to working towards achieving freshwater values. • This approach will ensure that those land uses which contribute unsustainable

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			amounts bear the cost of reducing the overallocation while those discharging at or below the sustainable level (<20 - 25kgN/ha) are enabled to continue and are flexible to adapt to change in circumstances.
5.10.3 Policies Policy 23, 24, 25	Support	B+LNZ support provisions which recognise farmers and communities' contributions to achieving environmental outcomes and give landowners the opportunity to continue to grow and develop 'ground up' approaches both individually and collectively.	Retain as proposed.
Rule TANK 1 (The use of productive land greater than 10ha.)	B+LNZ supports in part - seek to amend.	B+LNZ supports provisions which recognise and empower ground up, landowner and community led conservation actions, and which prioritize non-regulatory over regulation management frameworks. B+LNZ seeks that the requirements for Farm Plans in Schedule 30, Section C is amended to allow farmers and farm managers to prepare their own Farm Environment Plan. B+LNZ believe that Farmers should be involved in the preparation of their own Farm Plan in recognition that they have the most comprehensive understanding of their land and farming systems and can add the most value to developing the tool for	Schedule 30: Landowner Collective, Industry Programme and Farm Environment Plan. Section C: Farm Environment Plans 1.1 A Farm Environment Plan shall; a) ~~be prepared by a person with the professional qualifications to prepare such a plan or~~ be prepared by the Farm Owner or Manager with assistance/and or review by a suitably qualified and experienced person.

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		implement the rules and achieving the objectives set by the plan.	
Rule TANK 2 The use of productive land greater than 10ha.	B+LNZ support and retain as proposed.	B+LNZ support the controlled activity status given to use of productive land that does not meet TANK 1 (is operated without a farm environment plan or part of a catchment collective). This gives landowners options where they do not favour a FEP or working collectively. This provides Council the ability to impose conditions bespoke to the farm in its catchment context but also gives certainty to farmers that their consent will be granted.	Retain as proposed.
Rule TANK 3 Stock Access tor rivers, lakes and wetlands.	B+LNZ supports in part – seek to amend.	B+LNZ supports Policy 22 to avoid adverse effects on water caused by stock. B+LNZ supports the intent of the TANK 3 to avoid adverse effects on waterways caused by stock. B+LNZ seek that the word 'bed' in TANK 3 & 4 is defined and added to Chapter 9 Glossary. B+LNZ consider the definition proposed will ensure environmental outcomes are achieved while avoiding unnecessarily excluding stock from areas of the farm which would lead to unnecessary cost and loss of productive land.	B+LNZ seek that the word 'bed' in TANK 3 & 4 is defined and included in Chapter 9 Glossary: **Bed** means the bed of a river that is intermittently flowing and where the bed is predominantly unvegetated and comprises sand, gravel, boulders or similar material. a) The entry into or over the bed of any river lake or wetland by cattle, deer and pigs is a permitted activity provided that; ~~i) stock that are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to;~~ ~~and~~

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		B+LNZ seeks that the provision is changed to align 360 Regulations for Stock Exclusion and meet the National Policy Statement for Essential Freshwater Management. In particular, that stock are not required to be excluded from rivers with a bed that is less than 1m wide and where the slope of land is greater than 10 degrees and where stock do not cross the same lake or wide river more than 12 times in any year. B+LNZ consider these to align with the intent of the 360 Regulations but are amended to more to provide an alternative farm spatial scale assessment and more accurately reflect farm functions in terms of timing and frequency of stock crossings. B+LNZ consider the proposed amendments will provide clarity to landowners when implementing Rule TANK 3.	~~ii) The slope over 60% or more of the paddock is greater than 15 degrees of slope.~~ i) The river does not have a bed that is wider than 1m anywhere in a land parcel and ii) the land slope is greater than 10 degrees as shown by the National Scale Map or as determined at the paddock or farm spatial scale. and iii)stock do not cross the same lake or wide river more than 12 times in any year.
Rule TANK 5 Use of Production Land (change in use of more than 10% of land on a property greater than 10ha).	B+LNZ support with amendments	B+LNZ support the Controlled Activity Status given to Change in Land Use and seek that this is retained. B+LNZ seek that the threshold at which land use change is triggered is increased so as to provide for greater flexibility in land use which more accurately reflects the operation of farms in requiring the ability to adapt and change in order to remain profitable and resilient.	a) Any change to the production land use activity commencing after 2 May 2020 is over more than ~~10% of the property or farming enterprise area~~ 20ha or 20% of the property whichever is greater. b) The production land is subject to a Catchment Collective Programme meeting the requirements of Schedule 30B by a TANK Catchment Collective which meets the requirements of Schedule 30A or has a Farm

The specific provisions B+LNZ submission relates to are:	B+LNZ submission is that:		The decision B+LNZ would like the Hawkes Bay Regional Council to make is:
	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		B+LNZ seek that the rule is amended to include landowners who have a Farm Plan as a Controlled Activity so as to remain consistent with TANK 1 & 2 which encourage the development of Farm Environment Plans **or** landowners to be part of Catchment Collectives.	Environment Plan which meets the requirements of Schedule 30 (as amended in accordance with this submission).
6.10.2 Water Take and Use.	Oppose	B+LNZ oppose that the TANK Plan does not appropriately provide for stock drinking water as a permitted activity and priority take. B+LNZ propose that the taking of water for reasonable domestic needs and the needs of animals for drinking water is appropriately provided for and that the taking of water for these purposes is prioritized above other non-essential takes. B+LNZ consider this will ensure the welfare of animals is protected.	B+LNZ seek that 6.10.2 is amended so as to preclude water take for stock drinking water from any Take and Use Rules. Water quantity rules are amended in accordance with relief sought above (Obj 16,17,18) Water quantity Policies - Water quantity is managed to ensure that the take and use of water is reasonable and justifiable for the intended use, and takes for stock drinking water are permitted to provide for the health and wellbeing of domestic and production animals

Conclusion

B+LNZ thanks the Hawkes Bay Regional Council for the opportunity to comment on proposed Hawkes Bay Regional Council Plan Change 9.

B+LNZ would not gain an advantage in trade competition through this submission.

B+LNZ wishes to be heard in support of this submission and is happy to discuss the issues raised in this submission.

Appendix 1: B+LNZ Principles for the management of nutrients.

Principle 1 Like land should be treated the same.

Allocation should be based on the intrinsic qualities of the land. Two pieces of land with the same qualities should receive the same allocation. This principle recognises that allocation regimes should not be overly influenced by existing land use.

Principle 2 Those undertaking activities that have caused water quality problems should be required to improve their management to meet water quality limits.

All New Zealanders have a responsibility to manage their activities to maintain or improve water quality. This principle reflects the need for those who have caused water quality problems or who are contributing a greater amount to them to take a greater responsibility for meeting the costs of reducing nutrient loss to water. It also reinforces that those who have managed responsibly should not be required to have their land use constrained as a result of others' activity.

Principle 3 Flexibility of land use must be maintained

Land owners need to have the ability to respond to changes in climate, input costs, markets and technological innovation in order to maintain a profitable and sustainable farming enterprise. Allocating nutrients in such a way that unnecessarily limits land use change constrains the ability of land users to respond to those changes and optimally utilise the land resource.

Principle 4 The allocation system should be technically feasible, simple to operate and understandable

A high level of technical feasibility is fundamental to a successful allocation approach. The simpler the system, the more likely it is to be able to operate effectively. The approach must also be understandable by land users and the wider community. It must be able to be administered fairly and at minimum transaction costs to users and the regulator.

Principle 5 The natural capital of soils should be the primary consideration when establishing an allocation mechanism for nutrient loss

A natural capital approach allows for an economically efficient allocation of nutrients. Those soils with the greatest ability to retain nutrients and optimise nutrient use give land users the greatest flexibility to optimise production, respond to markets and technology while managing potential effects on water quality. Allocation systems should reflect the ability of these soil types to optimise production and land use flexibility.

Principle 6 Allocation approaches should provide for adaptive management and new information

Allocation decisions are primarily made on the information we know now and modelled future scenarios. Our understanding and the availability of both catchment and farm systems will change over the life of an allocation system as will possible management techniques. Allocation systems should provide sufficient flexibility to provide for adaptive management and be reviewed regularly to incorporate new information. Adequate transition times should be provided to incorporate new information where allocation changes as a result.

Principle 7 Appropriate timeframes must be set to allow for transition from current state to one where allocation of nutrients applies

Timeframes should take account of the degree to which any waterway is over-allocated (if that is the case), the period over which this state has come about and the costs for businesses and the current ability to manage to that allocation.

It should be recognised that current water quality issues are sometimes the result of many years of land use within catchments and may have developed over generations. Consideration needs to be taken of the legitimate expectations of people and natural justice. Accordingly time should be provided for them to adjust. There needs to be a balanced approach and recognition of the uncertainty associated with water science versus the likely economic impact on businesses and the region. The primary objective should be to set an appropriate direction of travel that will see a steady improvement in water quality.

Principle 8 Long term investment certainty is a critical feature of a viable nutrient management system

Changes to nutrient allocation regimes must be signalled as far out as possible. Refinements to those systems must be managed to minimise their impacts on business viability, land value and the flexibility of land use. The aim must be to reflect the underlying elements of sustainable management in achieving improved water quality outcomes including reducing those adverse impacts on social and economic outcomes.

Principle 9 Improvement in water quality must remain the primary objective of adopting any nutrient allocation regime

When exploring the adoption of methods to achieve water quality improvements and manage to limits, the focus of community debates, modelling and discussion of allocation of nutrients can distract from the primary goal – maintaining and improving water quality. This principle emphasises that allocating nutrients to a property level doesn't in itself result in improved in water quality; it is the actions of land users that ultimately result in improved nutrient management.

Principle 10 In under-allocated catchments, where property based nutrient allocation has not been adopted in setting water quality limits, the system for allocating nutrients must be determined well before the limit is reached, be clear and easy to understand, and designed to avoid over-allocation

The mechanism for allocating nutrients, even if it does not have immediate effect, should be clear from the time when water quality limits are set. Allocation mechanisms should reflect the level of risk that the catchment will become over allocated. This may include the adoption of a pre-agreed catchment-specific environmental threshold (e.g. 75%-90% of a limit) to determine when an allocation regime should be adopted.

Principle 11 In designing the allocation system the benefits of a nutrient transfer system within the catchment or water management unit should be considered

Maximum economic efficiency of land use could be assisted by a mechanism for transferring nutrient discharge allowances within the same catchment. Nutrient transfer systems are only appropriate where:
(i) the initial allocation system meets all of the allocation principles;
(ii) only occurs within a sub-catchment or watershed and enables and supports Catchment Collective Groups;
(iii) the transferable portion of the resource (e.g. nitrogen) only pertains to the load which achieves the desired environmental outcome;
(iv) be a transfer within an established sub catchment programme that's based on allocation of a load consistent with these principles; and
(v) results in improved economic outcomes and land use optimisation.

Principle 12 Regulation, monitoring, auditing and reporting of nutrients within an allocation regime needs to relate to the degree of environmental impact and pressure

If there is limited environmental pressure and if an activity has a low impact then regulation – and the financial cost of complying with that regulation – should be commensurate with the degree to which the activities are causing an adverse effect on water quality.

Principle 13 As a minimum expectation, in all catchments, all land users should be at or moving towards (industry defined) Good Management Practice (GMP), recognising that GMP is constantly evolving and continuous improvement is inherent in GMP

In many catchments, lifting everyone to GMP is likely to go a long way towards achieving community objectives for managing to water quality limits. In catchments where nutrients are not over allocated, requiring good management practice is a sound alternative method to allocating nutrients to a farm (property based) level.

Principle 14 Nutrient allocation must be informed by sound science and stable and reliable catchment and farm system modelling and measurement

Modelling nutrient loss is important to inform nutrient allocation, but all models have limitations. Overseer is a key tool for understanding and managing nutrients on farms and to inform nutrient allocation decisions. In the short term there are significant limitations that need to be catered for in determining any regulatory or nutrient allocation regime (e.g. assumptions in Overseer regarding GMP, modelling of cropping regimes, ability of Overseer to estimate nutrient loss from the adoption of certain mitigations and the validation of Overseer estimates). Other measures may need to be included in the approach to managing nutrient loss to ensure innovative change is incentivised and that the focus remains on promoting good practice. Over time modelling designed to estimate nutrient loss will improve. Modelled estimates will change, so allocation regimes should account for modelling uncertainty and provide for appropriate transition periods.

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SUBMISSION ON PROPOSED PLAN CHANGE 9 TO HAWKES BAY REGIONAL RESOURCE MANAGEMENT PLAN

TO: Hawke's Bay Regional Council

FROM: Environmental Defence Society Incorporated
PO Box 91736, Victoria Street West, Auckland 1142
09 302 2972
cordelia@eds.org.nz

NAME OF SUBMITTER: Environmental Defence Society Incorporated (**EDS**)

1 This is a submission on the Proposed Plan Change 9 (**PC9**) to the Hawkes Bay Regional Resource Management Plan **(Regional Plan**).

2 EDS could not gain an advantage in trade competition through this submission.

3 This submission relates to all of the provisions of PC9.

4 EDS's submission is set out in Appendix 1 and EDS incorporates these reasons into its submission.

5 EDS seeks the relief from Hawkes Bay Regional Council (**Council**) set out in Appendix 1, or such similar, other, further, and /or consequential relief as necessary to address this submission.

6 EDS wishes to be heard in support of its submission.

7 If others make a similar submission, EDS will consider presenting a joint case with them at hearing.

DATED 14 August 2020

C Woodhouse.

_____

Cordelia Woodhouse
Environmental Defence Society Inc

APPENDIX 1: EDS SUBMISSION

INTRODUCTION

1. EDS is a not-for-profit national environmental organisation. It was established in 1971 with the objective of bringing together the disciplines of law, science and planning to promote better environmental outcomes in resource management matters. Since that time EDS has actively participated in public interest litigation and has been active in assessing the effectiveness of the Resource Management Act 1991 (**RMA**) and statutory planning documents in addressing key environmental issues, including freshwater.

2. This submission is made on PC9 which proposes to include new provisions in the Regional Plan for managing water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) catchments.

SUBMISSION

3. As an initial comment, EDS considers there are structural difficulties with PC9. There is not a clear pathway with objectives flowing down through policies, rules and other methods. This makes interpreting the plan difficult and is likely to confuse both plan-users and decision-makers.

4. As described below, PC9 will not give effect to the provisions of the National Policy Statement for Freshwater Management (**NPSFM**) 2017, or the 2020 amendment which comes into effect in September 2020. It also fails to give effect to sustainable management purpose, matters of national importance and other matters in Part 2 Resource Management Act 1991 (**RMA**).

Surface water quantity and allocation

5. Water allocation and quantity are arguably the biggest resource management issues for the TANK catchments. However, PC9 does not adequately address these issues. In particular,

    - PC9 does not include any clear objectives to avoid further over-allocation or to phase out existing over-allocation. In addition, PC9 fails to include allocation limits for the Ahuriri and Karamū catchments.
    - There are no objectives relating to the protection of the significant values of outstanding freshwater bodies and wetlands or recognising Te Mana o te Wai
    - PC9 includes weak cease-take rules which allow for takes below minimum flow as part of water storage or stream flow maintenance scheme or for some activities associated with productive land use. Currently no minimum flow limits are proposed for the Ahuriri catchment.
    - There are no objectives for water allocation to provide for ecosystem health or other instream freshwater values. At low flow, the hydrological regime of rivers can be significantly altered reducing habitat retention for indigenous species. This is particularly the case for the Ngaruroro River, a strong hold for torrentfish and other

indigenous fish species, which has a minimum flow that protects only 44% of habitat.

Water quality and ecosystem health

6. PC9 fails to adequately address issues with water quality. Water quality and ecosystem health are degraded in parts of the TANK catchments. The Ahuriri and Karamū catchments have degraded ecosystem health, heavy sedimentation (including contaminated sediment) and poor dissolved oxygen levels which need to be improved. Sediment is also a key issue for the Ngaruroro River.

7. The diffuse impacts of production land use and contaminants from urban land are key contributors to degraded water quality in the TANK catchments. To maintain and improve water quality, these should be more effectively regulated through PC9. This requires Schedule 26 to be updated to include freshwater objectives for all waterbodies, and, where objectives are not met, targets to be included to measure progress over time. Management of land use activities should be clearly linked to the objectives and targets in Schedule 26, and regulated where water quality objectives are not met

8. PC9 also does not clearly define freshwater management units (**FMU**) and does not identify freshwater values for each FMU. Significant values of outstanding freshwater bodies and wetlands should also be identified, as required by the NPSFM.

9. Implementation of PC9 water quality provisions is largely through non-regulatory measures specified in a non-statutory document (the draft TANK implementation plan). Devolving the management of land use to third parties via permitted activity status, catchment collectives and industry programmes does not provide a clear and certain regulatory pathway to achieving the objectives and targets and therefore does not give effect to the requirements of the NPS FM. Regulatory implementation must be included within the plan change to ensure certainty of the outcomes and objectives for freshwater values and water quality.

10. EDS supports the inclusion of stock exclusion policies and seeks to ensure that these are in line with the government direction, namely the s 360 regulations that come into force in September 2020.

RELIEF SOUGHT

11. To give effect to the above submission, EDS seeks that PC9 be amended to:

Water quantity and over-allocation

- Set allocation limits, minimum flow and high flow limits for all catchments
- Include clear objectives and policies to phase out over-allocation of surface and groundwater and to avoid future overallocation, safeguard life-supporting capacity and ecosystem health, protect the significant values of outstanding freshwater bodies and wetlands

- Ensure that water takes are required to cease at minimum flows (except essential water takes for human water drinking supplies) and that all water takes are within low flow and high flow allocation limits
- Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is minimised and maintained close to natural flow regimes
- Significantly increase the minimum flow in the Ngaruroro River to provide more habitat for indigenous fish at low flows
- Prevent the transfer of water-permits into over-allocated ground and surface water freshwater management units

Water quality and ecosystem health

- Include clear objectives and policies to maintain or improve water quality, safeguard life-supporting capacity, ecosystem health and human health, protect the significant values of outstanding freshwater bodies and wetlands and provide for other instream freshwater values
- Include schedules for FMUs (and the freshwater values that apply) and outstanding freshwater bodies and wetlands
- Include all water quality objectives in Schedule 26 and identify targets to be achieved by 2040 where objectives are not currently met
- Regulate and manage all point source and stormwater discharges and require them to meet water quality objectives and targets in Schedule 26 by 2040
- Control the use of production land for farming in all catchments to maintain water quality.

Submission on Proposed Plan Change 9 (PC9): Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* ..... Peter Robertson

Organisation: ..... Brookfields Vineyards/ Ohiti Estate .....

Postal address: *(required)* ..... PO Box 7174, Taradale, Hawkes Bay 4183

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Email Address: brookfields.vineyards@xtra.co.nz

Phone number: .... 06 8344 615.....

Contact person and address if different to above:

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Submission Summary:

1. I SUPPORT the overall framework of PC9, to the degree that it reflects agreements reached by the TANK Group community representatives, developed over more than 6 years of intensive dialogue and providing an integrated catchment solution that best balances the values and interests of the Hawke's Bay community.
2. I OPPOSE elements of PC9 that do not reflect those agreements reached by the TANK Group community representatives.
3. I SUPPORT THE AMENDMENTS proposed by Hawke's Bay Winegrowers' Association Inc. in their submission dated 14 August 2020.
4. I SEEK AMENDMENTS as set out in Section A of this submission below.
5. I am concerned that PC9's approach to allocation of water and control of farming emissions unfairly penalises viticultural land owners as very low water users and very low emitters compared to other major primary production systems.
6. I am concerned that PC9 will have significant negative effects on me and/or my business and I have detailed my concerns in Section B below.

Submission Details:

A. General impact on the wine sector

Plan Provision	Concerns and Reasons	Decision Sought
OBJ TANK 7 Requirement to reduce contaminant losses	This Objective, as currently drafted, could be interpreted to require a reduction in contaminant loss including soil loss from all land use types. Some land use types including viticulture on low-slope land already have negligible contaminant losses (& especially soil losses) and would be unable to achieve any reductions.	Amend OBJ TANK 7 to read "…reduces ***reduceable*** contaminant loss…"; or similar wording to achieve the outcome sought in this submission.
OBJ TANK 16 Priority order for water allocation	This Objective establishes a priority order for water allocation which ranks primary production on versatile soils ahead of other primary production. Some viticultural production is on soils that are not considered to be versatile (eg. LUC 7 stoney soils) but is the highest and best primary production use of such soils, is highly efficient low water-use & low- contaminant activities that contribute strongly to community soci o-economic development and should rank equally with primary production on versatile soils. The Objective also does not make it clear what the ranking of water bottling activities would be. The Hawke's Bay community has clearly indicated that water bottling should not be a priority use of water, so should be amended to explicitly record a lower priority, ranking below all other activities involving the economic use of water.	Amend OBJ TANK 16.c to read "Primary production on versatile and ***viticultural*** soils", or similar wording to achieve the outcome sought in this submission. Amend OBJ TANK 16.e to read "***Water bottling and*** other non-commercial end uses", or similar wording to achieve the outcome sought in this submission.
Policy 5.10.2.6/7/8 Protection of source water	These three policies adopt a strengthened approach to protection of the quality and quantity of drinkingwater supplies. I support a precautionary approach to such protection but considers that the policies and rules are unnecessarily onerous and reflect an over-response to the 2016 Havelock North water crisis. The Plan Change draws source protection zones expansively and the control exerted by Council through matters of discretion under TANK rules 2/4/5/6/9/10	Remove the references to assessment of actual or potential effects of activities in the SPZs on Registered Drinking Water Supplies from Rules TANK 4/5/6/9/10. Address risks via Farm Environment Plans, Catchment Collectives and Industry Programmes.

	is uncertain and potentially onerous, particularly on winery point source discharges but also on vineyard farming practices. In addition to the uncertain scope of control, there is a duplication in control because risks to drinkingwater will also need to be addressed in Farm Environment Plans, Catchment Collectives and Industry Programmes. Retaining the reference in TANK 2 will ensure that a risk assessment will still be made in the event that a property does not have a Farm Environment Plan or is not part of an Industry Programme or Catchment Collective.	
Policy 5.10.3.21 Assessing resource consents in subcatchments exceeding nitrogen objectives or targets	This policy requires Council to have regard to any relevant Industry or Catchment Collective plans in place when assessing resource consents for effect on diffuse discharge of nitrogen. However, as currently drafted, clause 21.d appears to prevent the issuance of any resource consent for any land or water use change that may result in any increased nitrogen loss, where a subcatchment exceeds dissolved nitrogen objectives or targets in Schedule 26. This is unnecessarily constraining of landuse change, undermines the role of community collectives, discriminates heavily against viticulture as a particularly low nitrogen source and fails to recognise the 2040 timeline for meeting water quality objectives.	Amend so that Catchment Collectives and Industry Programmes may manage land use change in accordance with the 2040 timeline for meeting water quality objectives. Amend 21.d to read "***subject to Policy 21 a)-c),*** avoid land use change…." or similar wording to achieve the outcome sought in this submission.
Policy 5.10.6.36 Heretaunga Plains Aquifer Management	This policy requires Council to "adopt a staged approach to groundwater management that includes: f) avoiding further adverse effects by not allowing new water use and g) reducing existing levels of water use ". The requirement to "not allow new water use" is needlessly restrictive and ostensibly prohibits ANY new [take and] use, including use of new water stored under the high flow allocation provisions of the Plan, as well as potentially the replacement of expiring consents. Similary, the requirement to "reduced existing levels of water use " precludes use of new stored water and fails to recognise that the interim allocation limit of 90 million cubic meters is intended to align with previous actual water usage and that the Heretaunga Plains Aquifer is considered to be overallocated based on	Amend Policy 36.f to read "avoiding further adverse effects by ***controlling net groundwater use within the interim allocation limit set out in Policy 37***" or similar wording to achieve the outcome sought in this submission. Amend Policy 36.g to read "~~***reducing existing levels of***~~ ***encouraging*** water use ***efficiency***." or similar wording to achieve the outcome sought in this submission.

	cumulative consented volume (sometimes referred to as "paper volume") but not on cumulative consented actual use.	
Policy 5.10.6.37.d(ii) "Actual & Reasonable" water allocation approach	This policy requires Council to "when considering applications in respect of existing consents due for expiry, or when reviewing consents, to; … (ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to August 2017 …". The intent of this policy is understood to be to provide for replacement consent volumes not exceeding the highest use in the driest year in recent history (generally considered to be the 2012/13 water year), for landuse as at August 2017 (the point at which HBRC publicised the decision to cap groundwater usage at current peak dry-year levels). However, since TANK completed and the Plan was drafted, Hawke's Bay has experienced a severe drought in 2019/20 water year. Given this recent experience and vastly improved water meter data collection in the most recent years, I consider that the 2019/20 water year data should be available as a benchmark dry year. More fundamentally, I disagree with the definition of "Actual and Reasonable" and its inequitable and unworkable approach to allocation of water for replacement of consents that existed as at August 2017. Due to the lack of reliable and comprehensive water metering data from 2012/13 and the impact of vine age and redevelopment timing on actual annual vineyard irrigation requirements, practical difficulties in evidencing historical landuse activities and the risk of penalising efficient users at the expense of inefficient ones, I consider that there should be a presumption that the Hawke 's Bay-specific IRRICALC model is the appropriate measure of "Actual and Reasonable" for the purpose of calculating allocations for those replacement consents.	Amend Policy 37.d(ii) to read "(ii) apply an assessment of actual and reasonable use that reflects land use and water use authorised in the ten years up to ~~***August 2017***~~ ***30 June 2020 (the end of the 2020 water year)***…". or similar wording to achieve the outcome sought in this submission. Amend the Glossar definition of "Actual and Reasonable to provide that the volume allocated at consent renewals is the lesser of: - the amount calculated by a Hawke's Bay-specific IRRICALC model at 95% security of supply; - the volume of the expiring consent being replaced.", or similar wording to achieve the outcome sought in this submission.

Policy 5.10.6.39 Requirement for flow maintenance (augmentation)	This policy subjects consented water users in the Heretaunga Plains Water Management Unit to a regime which requires them to either participate in stream flow maintenance and habitat enhancement schemes, or cease abstraction once a stream flow maintenance trigger is reached. When this policy was conceived in TANK, it was intended to apply initially to 3 named lowland streams which HBRC science indicated were suitable for a stream flow maintenance scheme. Post-TANK, the Plan has incorporated all streams as well as the mainstem of the Ngaruroro River and I OPPOSE this policy on five main grounds: 1. The flow maintenance requirement now proposed, extends far beyond that supported in TANK and the need for such extension has not been justified. 2. In TANK, it was envisaged that HBRC would play a central role in establishing the 3 then-proposed lowland stream augmentation schemes. As HBRC hold all the relevant scientific and technical information required to operationalise such schemes, it is critical that HBRC takes on a central role in their development. 3. Large temporal and spatial spread of consent expiries and large consent numbers make it impractical and inequitable to require consent holders to take full responsibility for the development. 4. No allowance for an orderly transition to any new stream augmentation has been made. The currently proposed provisions could apply immediately from notification of the Plan Change, including to a very large number of currently expired consents (particularly groundwater takes in the unconfined aquifer), whereas stream augmentation schemes may be reasonably expected to take years to commission, particularly the kind of large-scale schemes that would be required to maintain flows in the Ngaruroro River. 5. Consent reallocations under the "Actual and Reasonable" provision of the Plan based on 95% certainty of supply do not provide sufficient water	I understand that HBRC will be submitting a proposed alternative approach to the requirements in Policy 39. I support, in principle, jointly-funded collective stream flow maintenance schemes on suitable lowland streams, facilitated by HBRC.

	volume to support stream augmentation in dry years and so would decrease the effective certainty of supply of consents.	
Policy 5.10.7. 51 Water Use and Allocation - Priority	This clause provides for an emergency water management group when making water shortage directions under Section 329 of the RMA, with the group including representatives from various sectors of the community but not including the primary sector. As decisions made in consultation with this group relate inter alia to the provision of water essential for the maintenance of animal welfare and survival of horticultural tree crops and to seasonal demand for primary production, the primary sector should also be represented in the group.	Amend 5.10.7.51 to read "…emergency water management group that shall have representatives from Napier City and Hastings District Councils, NZ Fire Service, DHB, iwi, ***affected primary sector groups*** and MPI, to make decisions …" or similar wording to achieve the outcome sought in this submission.
Policy 5.10.8.59 High Flow Reservation	This policy requires Council to **allocate** "20% of the total water available at times of high flow in the Ngaruroro or Tūtaekurī River catchments for abstraction, storage and use for" contributions to environmental enhancement and M āori development. This policy originated in an agreement in TANK to **reserve** 20% of any NEW high flow allocation for Māori development, then underwent significant development and change as Council explored ways to operationalise it and through iwi and RPC consultations. The resulting policy has some fundamental differences to that originally agreed in TANK: 1. The Policy refers to the Ngaruroro **OR** Tūtaekurī River catchments" (emphasis added), whereas the intention in TANK was for it to apply to BOTH rivers. This may just be a drafting error. 2. The Policy now covers water for both M āori development and environmental enhancement but Schedule 32 only refers to M āori development. 3. The allocation rate of 1600L/s for the Ngaruroro River in Schedule 32 represents 20% of the total high flow allocation limit for that river, whereas the TANK agreement was for 20% of the new allocation (6000L/s), ie 1200L/s.	Policy 59 needs significant re-write to address the above inconsistencies between the policy as it now stands and the framework agreed in TANK. It should distinguish clearly between water for environmental enhancement and water for M āori development, reduce the proposed M āori development reservation for the Ngaruroro River from 1600L/s to 1200L/s in line with the 20% new-water allocation agreed at TANK and remove the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the high flow allocation.

	4. Policy 60 now embodies the presumption that the private sector will fund the infrastructure costs in relation to exercise of the Māori development portion of the allocation. 5. The Policy now requires "allocation" rather than "reservation", with uncertain implications for private sector interests	
Rule TANK 5 Land use change	This rule controls land use change to production land use activity over more than 10% of a property or farming enterprise. The rule gives no guidance on what constitutes "change to the production land use activity", with the result that it is highly uncertain what types of activity are controlled and the rule cannot be practically enforced. For example, is a change from conventional farming to organic farming captured? A change in planting density? Also the rule fails to account for the possibility that a farming enterprise may span multiple water quality management units within a Surface Water Allocation Zone, which may then unintentionally permit land use change beyond 10% of the farming enterprises' properties within a water quality management unit	The rule needs further development to give more guidance on what changes are intended to be controlled and to control change by farming enterprises within a water quality management unit more appropriately.
Rule TANK 6	This rule restricts change to production land use activity over more than 10% of a property or farming enterprise where there is no Catchment Collective or Industry Programme operative, where modelled land use change effect on total property nitrogen loss exceeds the figures in Table 2 of Schedule 29. Table 2 is populated from per-hectare figures for common primary production systems. The per-hectare figure of 1kg/ha/yr provided for Grapes for Esk/Omahu/Pakipaki Soils is unrealistically low & clearly fails to account for the autumn/winter sheep grazing rotation that commonly occurs on vineyards. Also the Plan Change does not record the version of the models employed to derive the crop loss figures, so is not future-proofed against the effect of future model changes.	Adjust the Grape kg/ha/yr for all soils to recognise winter sheep grazing rotation. Include details of crop model versions used to derive the crop loss figures in Schedule 29 and include a mechanism to address the effects of model and/or version changes to modelled outputs..

Rule TANK 13 Taking water – high flows	This rule provides for capture, storage and use of surface water at times of high flow. I consider this to be a critical element of the overall Plan Change, providing the opportunity to re-engineer the Heretaunga Plains water use profile in a way that multiple & often conflicting interests and values can be addressed.	Supported, subject to amendments to POL 59 & 60 to address concerns about drafting details relating to the 20% Maori/environment reservation.
RRMP Chapter 6.9 - 6.3.1 Bore Drilling & Bore Sealing, Rule 1	This rule change has the effect of making bore drilling within a Source Protection Zone (SPZ) a Restricted Discretionary activity, as opposed to a Controlled activity. The proposed SPZs cover extensive areas of the Heretaunga Plains, particularly in the unconfined aquifer zone where many vineyards are located. The proposed Plan brings in intensive controls over activities in the SPZs and are specifically drawn to capture areas of unconfined aquifer upstream of protected water takes. Given the already-permeable nature of the unconfined aquifer area that comprises the bulk of the SPZs and other substantial controls over landuse activities, there is negligible additional benefit in controlling bore drilling in this area where the bore is a replacement for existing infrastructure. Also the additional expense and uncertainty of Restricted Discretionary status is likely to act as a deterrent to bore replacement as part of a normal maintenance cycle. Accordingly, bore drilling for the purpose of replacement of existing infrastructure in the SPZs should remain a Controlled activity.	Add a Condition to 6.3.1 Rule 1 reading: "***c. The bore is located within a Source Protection Zone but is a replacement for an existing bore that will be decommissioned."*** or similar wording to achieve the outcome sought in this submission.
Schedule 30 Landowner Collective, Industry Programme and Farm Environment Plan	Schedule 30 sets out the requirements for Farm Environment Plans, Landowner Collectives and Industry Programmes, as a method primarily to address the cumulative effects of landuse. I support this general approach over more prescriptive approaches, as it provides flexibility for landowners to achieve environmental objectives in the most efficient ways. The NZ wine industry has a longstanding and highly respected industry sustainability programme (Sustainable Winegrowing New Zealand - SWNZ), which the industry intends to further develop to achieve equivalency with a Farm Environment Plan. However, as the environmental profile of vineyards is dramatically different from (and in most respects lower than) that of other major primar industries, SWNZ does not comfortably fit within the PC9 framework and it is inefficient and counterproductive to apply an essentially pastoral-	Schedule 30 should be less prescriptive, more facilitative and more industry risk profile-based in respect of Industry Programmes. The Programme Requirements in Section B of Schedule 30 as they relate to Industry Programmes should be re-cast as a more of a guideline, with an acknowledgement that detailed requirements can vary depending on the Industry's risk and emissions profile as it relates to catchment objectives. Amend all references to Farm Environment Plan in this Plan Change to "freshwater farm plan" and otherwise align the Plan Change requirements to

	farming approach to viticulture. Schedule 30 also does not recognise the recent policy advances made nationally via the government's Essential Freshwater package and in particular the Resource Management Amendment Act 2020, which provides for a national framework of "freshwater farm plans", to be operationalised via S.360 regulations. I consider that the references to and requirements for a Farm Environment Plan in this Plan Change ought to be aligned with the Resource Management Amendment Act 2020 and related S.360 regulations and that these national requirements should be adopted by the Plan Change, in the interests of national standardisation and longer-term efficiency.	those of the Resource Management Amendment Act 2020 and related S.360 regulations.

B. Specific impact on me and/or my business

I am concerned that PC9 will impact on me and/or my business in the following ways and seek the following relief:

Plan Provision	Impact, Concerns and Reasons	Decision Sought
1.	I am comfortable with the parameter established for Zone1 in the Ngaruroro Catchment and would object to any change.	
2.	Re the new wells for the Napier water supply and the Source Protection Zone (SPZ), I would appreciate if Brookfields Vineyards could receive any up dates. I believe it is work in progress and that it might affect Brookfields Vineyards.	
etc		

Do you wish to be heard in support of your submission? No
If others make a similar submission, would you consider presenting a joint case with them at a hearing?Yes

Signature: ..... Peter Robertson ..... Date:..... 14th August,2020.....

TANK – Proposed Plan Change 9, Hawkes Bay Regional Council

Submission

From : irrigation consent holder Aspyron Trust, Ngaruroro catchment, Consent # WP140589T. Contact person Ray Knowles.
E : ray.knowles@gmail.com

submitted via email (etank@hbrc.govt.nz) 14 august 2020 to HBRC

i wish to be heard in support of my submission

Submission points

1) TANK 10

Actual & Reasonable Re-Allocation

the proposed changes state :
existing permit holders will be re-allocated volumes based on either proven usage from water data records OR estimated usage via the IRRICALC computer modelling WHICHEVER is the lesser.

In our case we have proven water usage data but the IRRICALC system does not provide any estimates for some of our crops – namely plant nursery & various nut crops. There are no irrigation figures based on NZ conditions,& in particular Hawkes Bay, for our main nut crop which is chestnuts.

Action sought/submission point.....

Will the water usage data suffice in this instance ?

2) Policy 52 Over-Allocation

one of the prinicipal aims of TANK – Proposed Plan Change 9 is for the HBRC to phase out over-allocation in stressed catchments. TANK has identified the Ngaruroro as substantially over-allocated. HBRC are proposing to get over-allocation down by deploying the Actual & Reasonable condition when it comes to re-allocating take rates & volumes for existing irrigation takes at renewal time. This method will result in many inequities between permit holders based simply on their development stages. In other words a fully utilised water take from a fully developed enterprise is unlikely to be reduced whereas those that are still working toward that goal in the knowledge that they have the consented water to do so will have their takes reduced & so development curtailed. Surely a much fairer application would be to simply reduce each existing consent by an amount that meets the HBRC target based on the consent’s %

of the total allocatable rate.

Action sought/submission point.....

that the Actual & Reasonable criteria be dropped as a way of reducing over-allocation within existing consents & be replaced with a much fairer system based on a pro-rata across the board reduction to all consent holders based on their % of the total take.

3) HBRC lack of transparency

Water related issues are nothing new & are only becoming more pressing to the local community as the detrimental effects of increasing competition for a finite resource come to a head. This submission is part of that bigger picture. Therefore in conducting basic research via the HBRC website for preparation to this submission i was both surprised & disappointed to have found it difficult to find & answer the following most basic of questions regarding water resources & its usuage in the TANK catchments :

i) what is the total allocatable rate by catchment ?

Answers – TANK PC9 Schedule 31 & TANK Section 32 Report Table 45

ii) Which catchments are over-allocated & by how much & therefore what are the reduction targets & within what timeframe ?

Answer – partially from TANK Section 32 Report Table 45

iii) how many abstraction consents are there currently by catchment ?

No answer

iv) who owns those consents in each catchment, & for each - what is their usage & what is their rate of take & what is their % of the total allocatable rate for the catchment to which it relates ?

No answer

V) why has this not been done already ? Water is a public resource administered by a public body – the HBRC, this information & its ease of access is a public right. This should have been done years ago.

No answer

HBRC has all this information on file in some form as a result of ongoing research programmes & from the bureaucracy requirements when applying for a resource consent & the annual billing of

consent holders for revenue gathering purposes.

Action sought/submission point.....

that the above points are made available to the public via the HBRC website within the earliest possible timeframe. Such information should be presented in an easy to find & easy to decipher format for the layman by catchmen. Consent holders need to be listed by catchment & ranked within that catchment by % of allocatable take from highest to lowest.